

AGENDA

July 05, 2022

Meetings of Standing Committees
Council Conference Room
6:45PM

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00PM

WebEx Telephone Number: 1-408-418-9388
Meeting Number (access code): 2339 540 4071
Meeting Password: XdbM2H8QCJ3

Livestream #1: <https://www.facebook.com/cityofmishawaka/>
Livestream #2: @MichianaAccessTV on Facebook
Livestream #3: Michiana Access TV
(Comcast and AT&T U-Verse Channel 99)

To connect on-line join using Microsoft Lync or Microsoft Skype for Business

Dial: 23395404071@mishawaka.webex.com

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of June 20, 2022

5. Petitions, Communications, Remonstrance and Memorial

Petition No. 2022-08	Rezone from C-2 Shopping Center Commercial to C-7 Auto Oriented Restaurant Commercial for Speculative Outlot. - Lot 1 of CAT Mishawaka LLC, Minor Subdivision (plat 22-06)
----------------------	--

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

R2022-13 Use Variance to allow microblading service within multi-tenant commercial strip center(c-1 District) - 4125 Grape Rd.

9. Ordinances on Second Reading

P.O. No. 2022-14 Rezone from I-1 Light Industrial to R-1 Single family Residential- 1816 W. Sixth St. (Assigned to Land Use Planning Committee)

P.O. No. 2022-15 Rezone from C-1 to R-2 to repurpose a salon and residential unit for two-family residential (2 units) - 1023 W. 6th St. (Assigned to Land Use Planning Committee)

P.O. No. 2022-16 PUD amendment to allow indoor climate controlled self-storage facility as a permitted use in an existing building - 1435 University Drive Ct. (Assigned to Land Use Planning Committee)

P.O. No. 2022-17 Rezone from I-1 & I-2 to C-3 City Center Commercial to match adjacent zoning and permit and future C-3 uses - Vacant lots N. Hill St. between W. Front St. and W. 1st St. (Assigned to Land Use Planning Committee)

P.O. No. 2022-18 Rezone from C-1 and C-7 to R-3 multi-family Residential to convert existing hotel into multi-family apartment building and construct an additional - 2754 Lincolnway East (Assigned to Land Use Planning Committee)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

School Board Appointment

13. Adjournment -

This meeting will be aired via live stream:

An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook page, <https://www.facebook.com/cityofmishawaka/> and on the Michiana Access TV Facebook page, <https://www.facebook.com/MichianaAccessTV>

Council Packet Link:

At this time, I know of no other business to come before the Council.

Deborah S. Block, IAMC, MMC, City Clerk

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements contact Susan Kile, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

June 20, 2022

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall and via telephone on Monday, June 20, 2022 at 7:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

Clerk Block called the roll.

Roll Call.

Present: Mrs. DeMaegd (P), Mr. Banicki (P), Mr. Hazen (P), Mr. Mammolenti (P), Mr. Emmons (P), Mr. Bellovich (P), Mr. Compton (P), Mrs. Voelker (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Others Present: Clerk Block, Mike Trippel

Members attending virtually do so by WebEx. Public that attend can participate by WebEx or observe meetings by YouTube or Facebook live. The Council meetings are also streamed live on Michiana Access on Comcast/AT&T U-verse Channel 99.

Minutes for the Regular Meeting of June 6, 2022 were approved as received from the Clerk's Office.

Presentation celebrating 50th anniversary with sister city Shiojiri

Jacob Crawford, Parks Department Landscape and Urban Forestry Manager, opened with a presentation of a short video to the council they made some different photographs and clips from their trip to the Sister City. Prior to the beginning of the video, Mrs. Voelker asked when they took this trip. Mr. Crawford stated they were in the city from June 2nd to June 11th. Mr. Crawford thanked his wife for making the video and stated the purpose of the trip was to not serve as a vacation but a cultural exchange. Mr. Crawford stated it was really an awesome experience for him to be able to share that kind of cultural exchange with members of the group. Mr. Crawford stated his grandfather had taken him to Japan a couple of times when he was younger and had a similar experience and it was not until this most recent trip that he really grasped the gravity of what he had done for him when he was so young. Mr. Crawford stated they got to truly know these Japanese families they stayed with at their homes and it was really touching and he thought the relationships that they built were ones that would last a lifetime. Mr. Crawford stated they built bridges with their Sister City relationship and being able to celebrate 50th anniversary over there was really a special occasion. Mr. Crawford stated one of the activities they did was going to some of the elementary schools there, specifically Nishi Primary School where the Sister City relationship started with pen pal relationships with students. Mr. Crawford stated they were able

to participate in English language class with the students. Mr. Crawford stated it was a fun experience to see the students so excited to see people from another culture and be able to practice the English language and that was a touching day for them and they would like to rekindle that pen pal relationship with the school. Mr. Crawford stated they were very fortunate to have a lot of support from Mayor Oguchi and City Hall in Shiojiri. Mr. Crawford stated they were treated like royalty when they were there and they had put together an itinerary of activities and places to see when they were together as a group. Mr. Crawford stated they to tour the high school where the students learned how to make wine there and they were the only high school in the country that did that, with Shiojiri being the wine capital of Japan. Mr. Crawford stated it was really nice to make connections with all of the different people and the host families. Mr. Crawford stated he was excited for continued trips to Japan and he and his wife planned to go every four years and they were working to try to set up some scholarship funds to get more high school students over. Mr. Crawford stated they had made it to 50 years and he was confident that they would make it to 100. Mr. Crawford then presented a gift to Mayor Wood that was given to them to celebrate the 50th anniversary and it was a special piece of lacquer wear. Mr. Crawford then introduced his team of students who accompanied him on the trip. Thomas Wicker, teacher at John Young along with his wife Katie Wicker who was a librarian, Isaiah and Jade who worked for him at the Parks Department and were both excellent students as well, Payton Krueger who was a high school student who also worked for him and his wife Chloe Baker.

Mr. Mammolenti thanked Mr. Crawford and his team for taking the time to visit the Sister City and for representing the city of Mishawaka well and if it was anything like the presentation he had given, he was sure they were represented extremely well.

Mr. Hixenbaugh also thanked Mr. Crawford and appreciated the work he had done to facilitate the Sister City relationship. Mr. Hixenbaugh thanked the delegation for visiting on their behalf and for representing them so well. Mr. Hixenbaugh also thanked everyone involved in the recent even where they were able to host the delegation from Japan. Mr. Hixenbaugh stated this was one of the unique and charming elements of Mishawka in his opinion and it was more than just charming and rather was a valuable educational endeavor for hopefully those on both sides of the Pacific. Mr. Hixenbaugh thanked everyone for the work they had done and the effort they made to keep the Sister City relationship intact.

Clerk Block pointed out that in the council's conference room, they had all of the gifts they had received from Shiojiri displayed there and if they wanted to see more they certainly could.

Clerk Block read letters from Board of Zoning Appeals and the City Plan Commission regarding their recommendations from their June 14, 2022 meetings.

RE: Board of Zoning Appeals Recommendation

June 14, 2022, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Board of Zoning Appeals was held on the above date at which time the following Use Variance was considered:

APPEAL #22-13 An appeal submitted by Joers Partnership LLC requesting a Use Variance for 4125 Grape Road to allow microblading services in C-1 General Commercial zoning district.

The Board, with a vote of 3-0, recommended approval.

RE: Plan Commission Recommendation

June 14, 2022, Public Hearing

Certification of Proposed Ordinances

Honorable Members:

A regular meeting of the Mishawaka Plan Commission was held on the above referenced date at which time the following proposed ordinances were considered:

PETITION #22-03 A petition submitted by Evan Forslund requesting to rezone 1816 West Sixth Street from I-1 Light Industrial District to R-1 Single Family Residential District.

The Commission, with a vote of 6-1, forwarded an unfavorable recommendation.

PETITION #22-04 A petition submitted by Michael A. Young requesting to rezone 1023 West Sixth Street from C-1 General Commercial District to R-2 Two Family Residential District.

The Commission, with a vote of 7-0, recommended approval.

PETITION #22-05 A petition submitted by South Bend Indoor Soccer, Inc. requesting to amend the Cass Road/East University Drive Planned Unit Development to allow a climate controlled self-storage facility within the existing building at 1435 University Drive Court, Granger.

The Commission, with a vote of 6-0, recommended approval subject to the following conditions:

1. No outdoor storage shall be permitted.
2. Additional landscaping shall be provided (where necessary) in all areas, compliant with the minimum landscaping and screening regulations (Section 137-815).

PETITION #22-06

A petition submitted by the City of Mishawaka, through its Board of Public Works & Safety, and Calet Partnership requesting to rezone three (3) parcels located between Front Street and First Street from I-1 Light Industrial District and I-2 Heavy Industrial District to C-3 City Center Commercial District.

The Commission, with a vote of 7-0, recommended approval.

PETITION #22-07

A petition submitted by Balaji Hospitality Group LLC and Smita V. Patel requesting to rezone 2754 Lincolnway East from C-1 General Commercial District and C-7 Automobile Oriented Restaurant Commercial District to R-3 Multi-Family Residential District.

The Commission, with a vote of 7-0, recommended approval.

Pursuant to I.C. 36-7-4-605 the City of Mishawaka Plan Commission hereby certifies to the Mishawaka Common Council the attached proposed ordinances regarding the above matters.

Presentation of Encumbered Funds and the Annual Operations Report for Local Roads, Streets and Bridges (No Action Required)

Mr. Hixenbaugh stated the record would reflect that they had received information with regard to both of those items.

Clerk Block read the following proposed ordinances by title and assigned committee.

PROPOSED ORDINANCE NO. 2022-14

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF THE CITY OF MISHAWAKA, INDIANA.

**Rezone from I-1 Light Industrial to R-1 Single family Residential – 1816 W. Sixth St.
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2022-15

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF THE CITY OF MISHAWAKA, INDIANA.

**Rezone from C-1 to R-2 to repurpose a salon and residential unit for two-family residential
(2 units)
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2022-16

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF THE CITY OF MISHAWAKA, INDIANA.

**PUD Amendment to allow indoor climate controlled self-storage facility as a permitted use in an existing building – 1435 University Drive Ct.
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2022-17

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF THE CITY OF MISHAWAKA, INDIANA.

**Rezone from I-1 & I-2 to C-3 City Center Commercial to match adjacent zoning and permit and future C-3 uses – Vacant lots N. Hill St. between W. Front St. and W. 1st St.
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2022-18

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF THE CITY OF MISHAWAKA, INDIANA.

**Rezone from C-1 and C-7 to R-3 multi-family Residential to convert existing hotel into multi-family apartment building and construct an additional – 2754 Lincolnway East
(Assigned to Land Use Planning Committee)**

Clerk Block read the following resolutions by title and opened the public hearing.

RESOLUTION R2022-13

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA PROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT: 4125 GRAPE ROAD

Use Variance to allow microblading service within multi-tenant commercial strip center (C-1 District) – 4125 Grape Rd.

Mr. Compton made a motion to postpone **RESOLUTION R2022-13** to the next regularly scheduled council meeting until there was someone present to speak on the matter. Mr. Banicki seconded the motion and a voice vote was held. The matter was postponed until their next council meeting.

RESOLUTION R2022-14

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISAWAKA, INDIANA DECLARING DORMANT FUNDS Removal of Dormant Funds

Rebecca Maguire, City Controller, spoke in favor of **RESOLUTION R2022-14**. Mrs. Maguire stated in preparation for the state requiring them to change their fund numbering system, it made sense for them to clean up a number of accounts, approximately 35 funds specifically. Mrs. Maguire stated these funds were no longer in use and had zero balances, so this allowed them to do that and move forward with the state's new numbering system for the funds.

Question was called for at 7:31PM for **RESOLUTION R2022-14** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 9-0.

RESOLUTION R2022-15

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA AUTHORIZING ELECTRONIC FUNDS TRANSFERS Authorizing Electronic Funds Transfer Payments

Rebecca Maguire, City Controller, spoke in favor of **RESOLUTION R2022-15**. Mrs. Maguire stated it was best practice as vendors require electronic funds transfers to have a resolution in place that had been approved. Mrs. Maguire stated they currently did electronic funds transfers for taxes, insurance claims and such but there was more vendors that would like that and require that. Mrs. Maguire stated they could see by the resolution, they followed all the same internal controls as they did for if they were cutting checks, so it was best practice to have this in place.

Question was called for at 7:34PM for **RESOLUTION R2022-15** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 9-0.

RESOLUTION R2022-16

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA APPROVING THE REQUEST FOR THE INDIANA STATE BOARD OF ACCOUNTS TO EXAMINE THE FINANCIAL STATEMENTS PREPARED IN ACCORDANCE WITH GAAP (GENERALLY ACCEPTED ACCOUNTING PRACTICES) Approving the SBOA Audit of GAAP

Rebecca Maguire, City Controller, spoke in favor of **RESOLUTION R2022-16**. Mrs. Maguire stated this was required by the state every year now for cities who were under the population of 75,000 if they wished to have a GAAP audit. Mrs. Maguire stated they needed to have this resolution in place.

Question was called for at 7:35PM for **RESOLUTION R2022-16** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 9-0.

Clerk Block read the following proposed ordinances by title and opened the public hearing.

PROPOSED ORDINANCE NO. 2022-09

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS PURSUANT TO INDIANA CODE 5-13-9-5

Authorizing the Investment of Public Funds

Mr. Banicki reported the Committee of Budget and Finance recommended this proposed ordinance should be adopted. This was signed by the entire committee and upon a second by Mr. Mammolenti, the motion carried.

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2022-09**. Mrs. Maguire stated this was a required ordinance by the state so she gave her authorization to invest in banking institutions outside of their local county. Mrs. Maguire stated she could invest statewide and she did so with the assistance of Baker Tilly, their banking advisory firm.

Question was called for at 7:37PM for **PROPOSED ORDINANCE NO. 2022-09** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, and thus became **ORDINANCE NO. 5786**.

PROPOSED ORDINANCE NO. 2022-10

AN ORDINANCE TRANSFERRING FUNDS FROM THE MOTOR VEHICLE HIGHWAY RESTRICTED FUND OF THE CITY OF MISHAWAKA TO THE LOCAL ROAD & BRIDGE MATCHING GRANT FUND OF THE CITY OF MISHAWAKA FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2022 AND AN ORDINANCE APPROPRIATING ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2022

**Transfer of Funds and Additional Appropriation - Motor Vehicle Highway Restricted
Fund - \$975,180.65 TO: Local Bridge and Road Matching Grant fund - Additional
Appropriation of Funds to: Local Bridge and Road Matching Grant Fund -\$1,950,361.00**

Mr. Banicki reported the Committee of Budget and Finance recommended this proposed ordinance should be adopted. This was signed by the entire committee and upon a second by Mr. Mammolenti, the motion carried.

Mrs. Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2022-10**. Mrs. Maguire stated they were awarded the \$975,180.65 for their community crossing grant. Mrs. Maguire stated they must match that out of their Motor Vehicle Highway Restricted Fund and the transfer moved that money to the Local Bridge and Road Matching Grant Fund and that total was \$1,950,361.00 which must be appropriated to spend.

Question was called for at 7:40PM for **PROPOSED ORDINANCE NO. 2022-10** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**
Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, and thus became **ORDINANCE NO. 5787**.

PROPOSED ORDINANCE NO. 2022-11

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE REDUCTION OF FUNDS FOR THE YEAR ENDING DECEMBER 31, 2022

**Reduction of Funds: Cumulative Capital Development - Other Services and Charges -
417-50-436-90 Service Contract/Software Maintenance - \$19,036.00**

Mr. Emmons reported the Committee of Budget and Finance recommended this proposed ordinance should be adopted. This was signed by the entire committee and upon a second by Mr. Banicki, the motion carried.

Mrs. Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2022-11**. Mrs. Maguire stated there was a reduction in the approved budget of the CCD Fund. Mrs. Maguire stated fund was exclusively used for information technology, software, hardware and such. Mrs. Maguire stated the did not leave a lot of cash reserves in this particular fund and this fund's tax rates eroded year after year until it reestablished. Mrs. Maguire stated with a little bit of tweaking with circuit breaker and the tax break eroding, they came up short approximately \$19,000 and what this reduction did was set it to their budget to match what the state approved and they would see later in the evening that they would have an additional to make up that difference.

Question was called for at 7:43PM for **PROPOSED ORDINANCE NO. 2022-11** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**
Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, and thus became **ORDINANCE NO. 5788**.

PROPOSED ORDINANCE NO. 2022-12

**AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE
EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31,
2022**

**Additional Appropriation: CEDIT Professional Services 430-50-436-90 Services Contracts/
Software Maintenance \$ 19,036.00 - 430-50-431-06 Consulting \$150,000.0 - Total
\$169,036.00**

Mr. Emmons reported the Committee of Budget and Finance recommended this proposed ordinance should be adopted. This was signed by the entire committee and upon a second by Mr. Banicki, the motion carried.

Mrs. Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2022-12**. Mrs. Maguire stated as mentioned in the previous ordinance, they had to reduce the budget and accumulative capital development fund and so they were increased and they were making that amount available out of their CEDIT Fund. Mrs. Maguire stated the IT department would stay whole in their budget of \$700,000. Mrs. Maguire stated that was the additional for the \$19,036 and she also was requesting an additional budget appropriation on the consulting line. Mrs. Maguire stated they had a number of items come up this year and they had been working on their website with their new vendor and they had done a salary study and also when the state switched to outsourcing their financial statements that had cost them a little bit extra in the consulting fees with Baker Tilly. Mrs. Maguire stated working with the new outside firm rather than State Board of Accounts, there had been a little extra legwork and all of these things added up so they needed to boots that budget line.

Question was called for at 7:46PM for **PROPOSED ORDINANCE NO. 2022-12 Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, and thus became **ORDINANCE NO. 5789**.

PROPOSED ORDINANCE NO. 2022-13

**AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE
EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31,
2022**

Additional Appropriation for Civil City personal services -\$273,295

Mrs. Voelker reported the Committee of Budget and Finance recommended this proposed ordinance should be adopted. This was signed by the entire committee and upon a second by Mr. Banicki, the motion carried.

Mrs. Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2022-13**. Mrs. Maguire stated as they recalled last year during their budget ordinance time, a budget

needed three meetings and a salary ordinance needed two meetings. Mrs. Maguire stated civil city salaries were adjusted during budget time, so there was not enough meetings to increase the budget to go from 2% salaries to 5% salaries. Mrs. Maguire stated this ordinance corrected the budget at the additional funds in the 2022 budget to cover those approved salaries for the 2022 budget.

Mr. Hixenbaugh thanked Mrs. Maguire for her work on all of these items.

Mrs. Voelker echoed Mr. Hixenbaugh's comments and thanked Mrs. Maguire and her team for putting all of the items together.

Question was called for at 7:49PM for **PROPOSED ORDINANCE NO. 2022-13 Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, and thus became **ORDINANCE NO. 5790.**

PRIVILEGE OF THE FLOOR

Mayor Wood spoke before the council. Mayor Wood reported on a significant water main break on North Main Street in Mishawaka. Mayor Wood stated it happened sometime around noon and they got calls and reports of standing water and water had heaved the pavement like a wet paper bag and it was literally seeping out every crack for 50 to 100 feet or so. Mayor Wood stated the road had buckled in excess of a foot in some cases and they received a full response from the city of Mishawaka and multiple departments from Water, Sewer, the Fire Department, Central Services and Engineering. Mayor Wood stated the crews got to work immediately and they had to insert a new valve and had to dig down five feet to where there was an eight inch water main located and they got the valve inserted and functional. Mayor Wood stated they had since located the location of the break and it was substantial and water service had been interrupted for about two blocks along Main Street. Mayor Wood stated the repairs would go on around the clock but water service should be restored in about two hours or so. Mayor Wood stated their crew had done an outstanding job with the road being damaged beyond repair really from sidewalk to sidewalk before they tended to it. Mayor Wood stated for the next few days though, Main Street would not be passable and encouraged all of their motoring public to use McKinley and Grape to get around and also to avoid that area and would be open to only local traffic. Mayor Wood stated he wanted to not only share this information with the council but acknowledge the work done by their crew and how proud he was. Mayor Wood stated that was the difference between well run cities and cities that, in some cases, struggled to provide basic utilities and theirs provided them at an exceptionally high level.

Mr. Hixenbaugh thanked Mayor Wood for the updated and asked that he pass along their appreciation to all involved for the proper sponsor of this as well.

Mr. Bellovich stated when they had damage such as this, it was not caused by an act of God and asked if there was any insurance coverage for any of it at all. Mayor Wood stated it was all city

property for the most part and they would make it better than they found it but it was one of those things at their expense and they had a budgeted amount that took into account that these things happened. Mayor Wood stated this was one of the biggest ones that most of them had ever seen.

Mrs. DeMaegd asked if there was a timeline on when this could be fixed. Mayor Wood stated it was most important that they repaired the water main and that should happen within the next couple hours or so and then start to restore service that evening to residents, which was crucial. Mayor Wood stated after that, then they had to get the road crew in because obviously curbs were damaged, the sidewalk was damaged and the bed of the road was as well. Mayor Wood stated those things did not happen immediately and it would take several days to repair all of it. Mayor Wood stated they would keep them posted on timelines.

Mr. Compton stated he knew there was residents who lived along Main Street that now had no way out of their driveway and he was just curious to how accommodations would be made for them, but he knew they would be made as quickly as possible. Mayor Wood stated they did make accommodations already and had cars removed out of the most impacted driveways so they could at least get to where they needed to go. Mayor Wood stated their commitment was they would restore any damage that had been caused even up into the property area and restore the service.

Mr. Mammolenti stated he knows Mayor Wood has mentioned the failure and was sure it was still being assessed, but he asked if there was anything there they could pinpoint where perhaps maybe from the manufacturer side of it where the issue occurred. Mayor Wood stated they had a couple of breaks of that water main on Main Street and just happened to be the worst possible location for it to occur. Mayor Wood stated he was not real sure other than it was a seventy-year-old pipe, but as far as service went they were seeing a lot of service, a lot of demand from water with the heat and demand from the citizens but also temperature fluctuations tended to create some issues too and it was a pretty massive breach.

NEW BUSINESS

Mr. Mammolenti made an announcement that they had their Twin Branch neighborhood watch meeting in the past week and it was very well attended. Mr. Mammolenti gave a special thanks to the Hazen's for providing the food and the delicious cookies and chips and also wanted to thank their guest speaker Mayor Wood who did an outstanding job as usual. Mr. Mammolenti stated he knew the residents and the attendees learned several new details of what's to expect in the near future as did he. Mr. Mammolenti thanked him once again for providing his time and information.

Mr. Emmons stated their last neighborhood watch meeting they had was well attended for Ambassador Donnelly. Mr. Emmons stated he gave an excellent presentation and everyone

present seemed to enjoy it. Mr. Emmons thanked everyone for being there, especially Mayor Wood and Clerk Block.

Mr. Hixenbaugh stated due to some scheduling issues on the part of the council, the chair entertained a motion to change the date of their second regular meeting in July from Monday, July 18th to Monday July 25th. The motion was made by Mr. Compton and seconded by Mr. Banicki and a voice vote was made. The motion passed and the meeting date was changed. Mr. Hixenbaugh announced that for the Fourth of July holiday under their standard procedure, their next regularly scheduled council meeting would take place on Tuesday, July 5th at 7PM in the Council Chambers.

ADJOURNMENT 8:01PM

Deborah S. Block /s/
Deborah S. Block, IAMC, MMC, City Clerk

Gregg A. Hixenbaugh /s/
Gregg A. Hixenbaugh, President



June 21, 2022

Deborah S. Block, IAC, MMC

PHONE (513) 784-0010

Honorable Members of the
Mishawaka Common Council &
Mishawaka Plan Commission
City of Mishawaka, Indiana

JUN 30 2022

City Clerk
Mishawaka, IN

ADDRESS 3805 Edwards Rd. Suite 390
Cincinnati, OH 45209

WEB comptonaddy.com

EMAIL marketing@comptonaddy.com

RE: PETITION TO REZONE
Portion of Property at 655 West University
Parcel ID #029-1002-010302
Tax Parcel #71-04-28-251-007.000-005

The undersigned, **CAT Mishawaka, LLC** respectfully shows they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

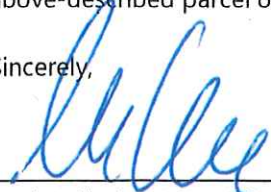
COMMENCING AT A POINT OF INTERSECT OF THE NORTH LINE OF INDIANA TOLL ROAD RIGHT OF WAY WITH THE EAST LINE OF GRAPE ROAD RIGHT OF WAY, SAID POINT ALSO BEING ON THE SOUTH LINE AND 110.00 FEET EAST OF THE WEST LINE OF SAID NORTHEAST 1/4 OF SECTION 28; THENCE N 89°30'42" E ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 811.32 FEET TO A POINT; THENCE N 00°29'18" W A DISTANCE OF 972.65 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF UNIVERSITY DRIVE; THENCE N 89°30'42" E ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 165.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 89°30'42" E ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 189.50 FEET; THENCE S 00°29'18" E A DISTANCE OF 230.00 FEET TO A POINT; THENCE S 89°30'42" W A DISTANCE OF 189.50 FEET TO A POINT; THENCE N 00°29'18" W A DISTANCE OF 230.00 FEET THE POINT OF BEGINNING AND CONTAINING 1.0 ACRES OF LAND MORE OR LESS.

Petitioner(s) own one hundred (100%) percent of the above-described parcel of land which carries a zoning classification of 'C-2' District. Said property is currently being developed for use as an indoor gun range.

Petitioner(s) desire said real estate to be **rezoned to 'C-7' District**. Petitioner(s) further state that they intend to utilize said land for the development of a restaurant with drive-thru service, a use permitted by right under the desired zoning classification.

Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above-described parcel of land located in the City of Mishawaka.

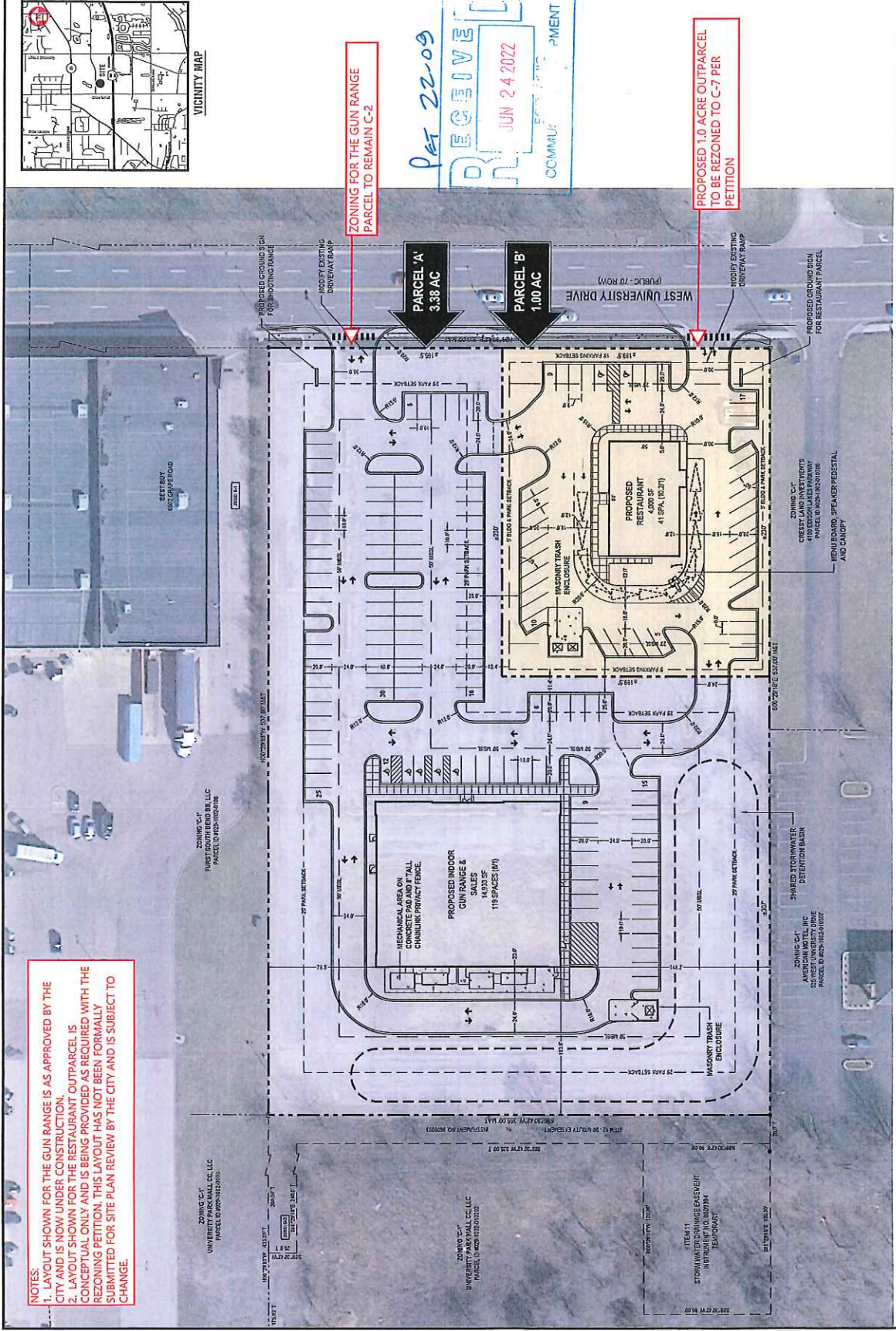
Sincerely,


Mark Wilhoite, CAT Mishawaka, LLC
3805 Edwards Road, Suite 309
Cincinnati, OH 452029
(513) 852-1231

6-22-22
Date

CONTACT PERSON
DEVELOPMENT MANAGEMENT
GROUP LLC - c/o KEN KNUCKLES
4209 GAVATIN PIKE
NASHVILLE, TN 37216
(615) 227-5863
KKNUCKLES@DMGNASHVILLE.COM

NOTES:
 1. LAYOUT SHOWN FOR THE GUN RANGE IS AS APPROVED BY THE CITY AND IS NOW UNDER CONSTRUCTION.
 2. LAYOUT SHOWN FOR THE RESTAURANT OUTPARCEL IS CONCEPTUAL ONLY AND IS BEING PROVIDED AS REQUIRED WITH THE REZONING PETITION. THIS LAYOUT HAS NOT BEEN FORMALLY SUBMITTED FOR SITE PLAN REVIEW BY THE CITY AND IS SUBJECT TO CHANGE.



ZONING FOR THE GUN RANGE
 PARCEL TO REMAIN C-2

PET 22-09

RECEIVED
 JUN 24 2022
 COMMUNITY DEVELOPMENT

PROPOSED 1.0 ACRE OUTPARCEL
 TO BE REZONED TO C-7 PER
 PETITION



ISSUED FOR: ☒ CHECKSET ☒ AGENCY REVIEW ☐ BID PURPOSES ☐ CONSTRUCTION

PARCEL A

PARCEL B

SCALE: 1"=50'

DATE: 05/2022

DATE PROJECT: 2164

PRELIMINARY SITE PLAN

SP1.0

PARCEL ID: 029-1002-010322
 ZONE: C-2
 (SHOPPING CENTER / COMMERCIAL)

NO.	DATE	DESCRIPTION
1	05/15/22	REVISIONS
		ESSENTIAL FOR REVISION REQUEST

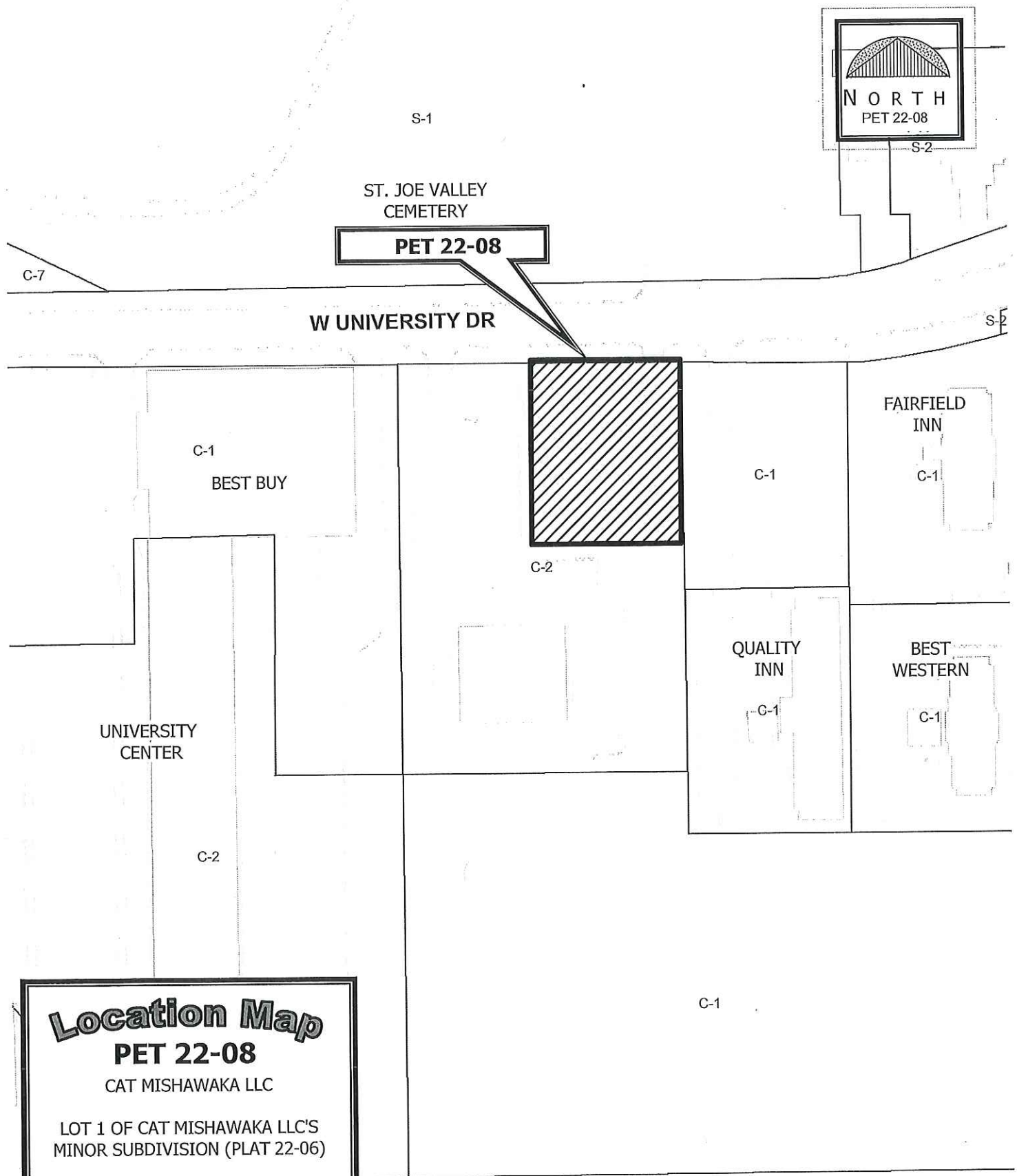
SITE PLAN EXHIBIT FOR
 REZONING PROPOSED PARCEL 'B'
 635 WEST UNIVERSITY DRIVE
 MASHAWAKA, IN

PLANS PREPARED BY:

 4209 GALLATIN PIKE
 MASHAWAKA, IN 46784
 TEL: (317) 277-5555
 WWW.M&AENGINEERING.COM

PLANS PREPARED FOR:

 3005 EVANS ROAD
 CINCINNATI, OH 45208
 (513) 752-1409



Location Map

PET 22-08

CAT MISHAWAKA LLC

LOT 1 OF CAT MISHAWAKA LLC'S
MINOR SUBDIVISION (PLAT 22-06)

REZONING FROM C-2 SHOPPING
CENTER COMMERCIAL TO C-7
AUTO ORIENTED RESTAURANT
COMMERCIAL FOR SPECULATIVE
OUTLOT

INDIANA TOLL RD

JUN 15 2022

City Clerk
Mishawaka, IN

APPEAL #22-13

RESOLUTION NO. 2022-13

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

4125 Grape Road, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **4125 Grape Road, Mishawaka, Indiana**, more particularly known and described as follows:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 33, T. 38 N., R. 3 E, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER OF SECTION 33; THENCE S. 00°00'00" W., ALONG THE NORTH & SOUTH ¼ LINE OF SECTION 33 AND THE CENTERLINE OF GRAPE ROAD, 396.91 FT; THENCE N. 89°59'26" W., 659.34 FT.; THENCE N. 00°07'54" E., 295.72 FT. TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, THENCE N. 89°54'12" E., ALONG SAID NORTH LINE, 658.43 FT. TO THE PLACE OF BEGINNING. CONTAINING 5.995 ACRES. SUBJECT TO LEGAL HIGHWAYS.

The Use Variance will allow microblading services in C-1 General Commercial District.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

Section III. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the business will provide similar personal services/salon uses;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because it is included in a commercial establishment;
3. The need for the variance arises from some condition peculiar to the property involved in that the C-1 zoning does not permit a tattoo establishment, but does allow the salon where the process is taking place, thus requiring the Use Variance for the proposed use;
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the nature of the business is similar to that of a salon and should not generate more traffic than the existing business; and
5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area for general commercial.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2022, at _____ o'clock ____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____ 2022,
at _____ o'clock ____ m.

Deborah S. Block, IAMC, MMC, City Clerk

RESOLUTION #2022-13
4125 Grape Road
Page 3 of 3

APPROVED by me this _____ day of _____, 2022, at
_____ o'clock _____ m.

David A. Wood, Mayor

STAFF REPORT

Location: 4125 Grape Road

Date: May 10, 2022

Appeal: 22 13

Prepared By: KM

GENERAL INFORMATION

Applicant: Joers Partnership LLC/Kelly Reynolds
Status: Property Owner/Tenant
Request: Use Variance to allow microblading services within a salon
Zoning Classification: C-1 General Commercial District
Lot Size: 5.89 acres
Applicable Regulations: 137.42 Board of Zoning Appeals (4) Variance of Use

SPECIAL INFORMATION

Area Development Pattern: North: C-4 Automobile Oriented Commercial District
South: C-1 General Commercial District
East: C-2 Shopping Center Commercial District
West: R-3 Multi-Family Residential District

Thoroughfare: Southwest Corner of Grape and Day Roads
School District: South Bend Community School District
Public Utilities: All utilities are available
Comprehensive Plan: General Commercial

ANALYSIS

The Appellants are requesting a Use Variance to allow for microblading services within Salon Studio Suites that will be renting 4125 Grape Road (northern most tenant space). Microblading is a form of semi-permanent makeup that provides a means to partially or fully camouflage missing eyebrow hair with the appearance of simulated hair using fine deposits of cosmetic tattoo pigments.

In the past few years, we have received several requests for microblading. The latest request was located inside an existing salon at That Hair Place, 3931 Lincolnway East.

It should be noted that while microblading is a service that can be found in a spa or beauty salon, it is a form of tattoo and not specifically permitted within the zoning district. The need for a Use Variance arises from the fact that a tattoo establishment is not an approved use within the C-1 zoning district.

All pertinent City departments have reviewed and approved the request.

RECOMMENDATION (S)

Staff recommends in **favor** of Appeal #22-13 to allow microblading services at Salon Studio Suites, 4125 Grape Road. This recommendation is based upon the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the business will provide similar personal services/salon uses;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because it is included in a commercial establishment;
3. The need for the variance arises from some condition peculiar to the property involved in that the C-1 zoning does not permit a tattoo establishment, but does allow the salon where the process is taking place, thus requiring the Use Variance for the proposed use;
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the nature of the business is similar to that of a salon and should not generate more traffic than the existing business; and
5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area for general commercial.

ATTACHMENTS

Photographs, Appeal, Aerial, Location Map



View of north end of plaza



View of future tenant space

Deborah S. Block, IAMC, MMC

APR 28 2022

City Clerk
Mishawaka, IN



To: Board of Zoning Appeals

City of Mishawaka, In

Salon Studio Suites LLC respectfully shows the Board:

Property owner Ronald Joers, Joers Partnership LLC 4125 Grape Rd Mishawaka ,In 46545 in Clay township.

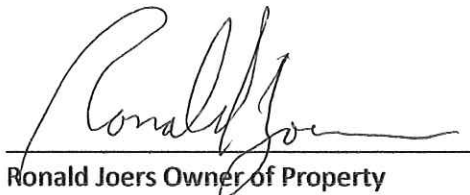
Pt Se Sw Sec 33-38-3c Beg Ne Cor S 396.91' W 659.34 N 395.72 E 658.43

Appellant presently occupies the above property in the following manner: Salon Studio Suites

Appellant desires to offer Microblading services in this location.

Use variance:

1. Will approval be injurious to the public health and safety, morals or general welfare of the community? No this service is strictly for semi permanent tattooing makeup.
2. Will the use and value of the area adjacent to the property include the variance be affected in a substantially adverse manner? No it will not effect other tenants.
3. Does the need for the variance arise from some condition peculiar to the property involved? No there is a no tattooing ordinance in Mishawaka
4. Does strict application of the terms of this chapter constitute an unnecessary hardship if applied? No it does not. It is simply to allow us to do PMU
5. Will approval interfere with Mishawaka 2000 comprehensive plan? No several other companies have been approved for this.



Ronald Joers Owner of Property

Contact Person:

Kelly Reynolds

4125 Grape Rd.

239-603-2807

Blownawayindiana@yahoo.com

Joers Partnership
4119 Grape Road
Mishawaka, Indiana 46545

Phone 574-277-9711
Fax 574-277-9724

April 19, 2022

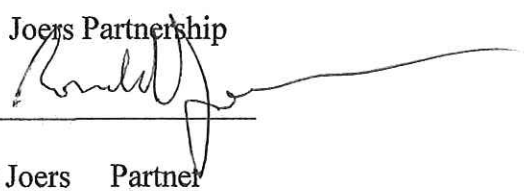
TO: City of Mishawaka, In Board of Zoning Appeals

RE: Microblading Services Zoning for Salon Studio Suites

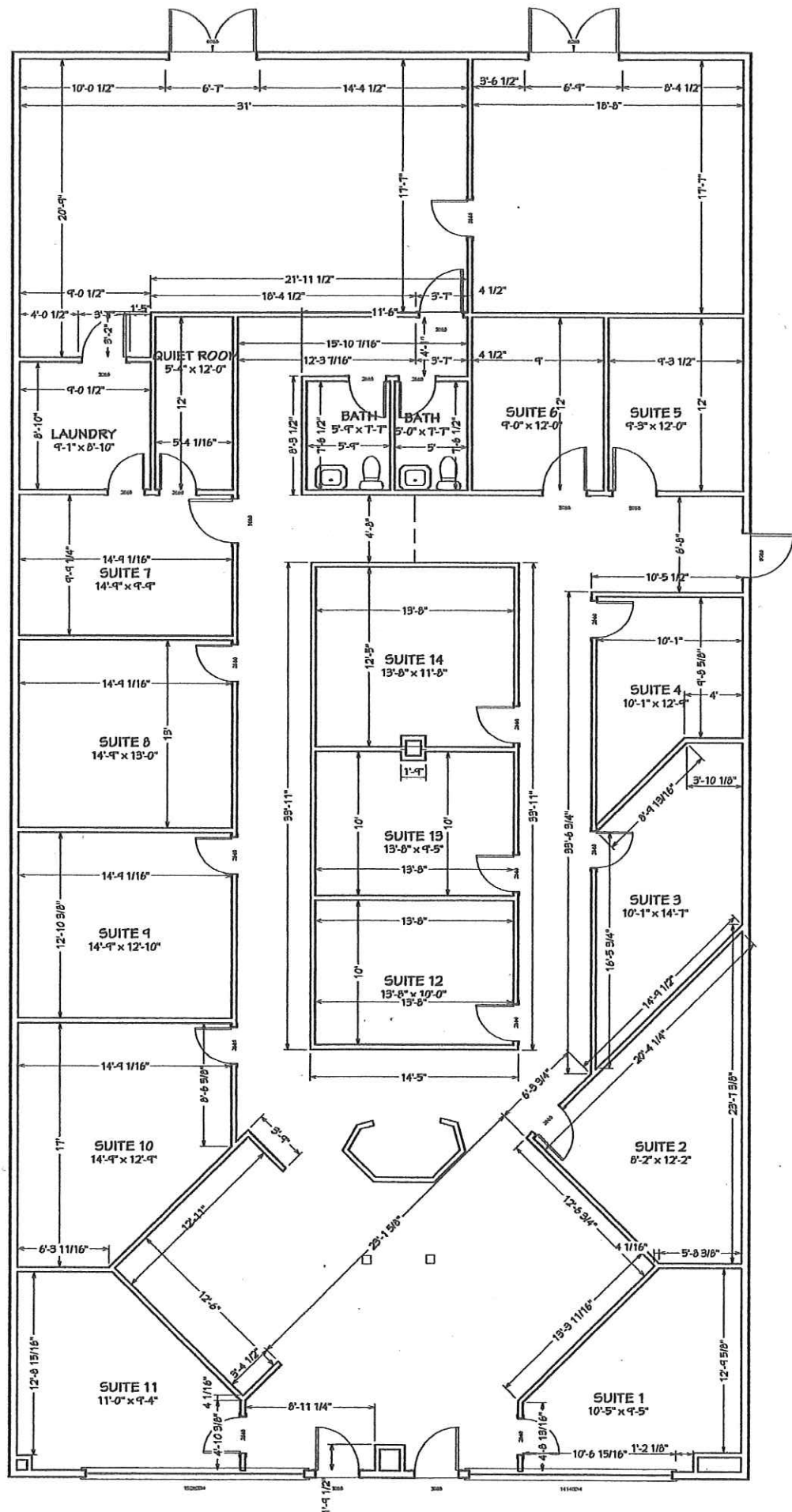
Kelly Reynolds representing her business Salon Studio Suites, the Lessee at 4125 Grape Road, Mishawaka, Indiana 46545, has our approval to represent Joers Partnership the Lessor, the owners of the location, for a zoning permit, to permit a Microblading Service at the location.

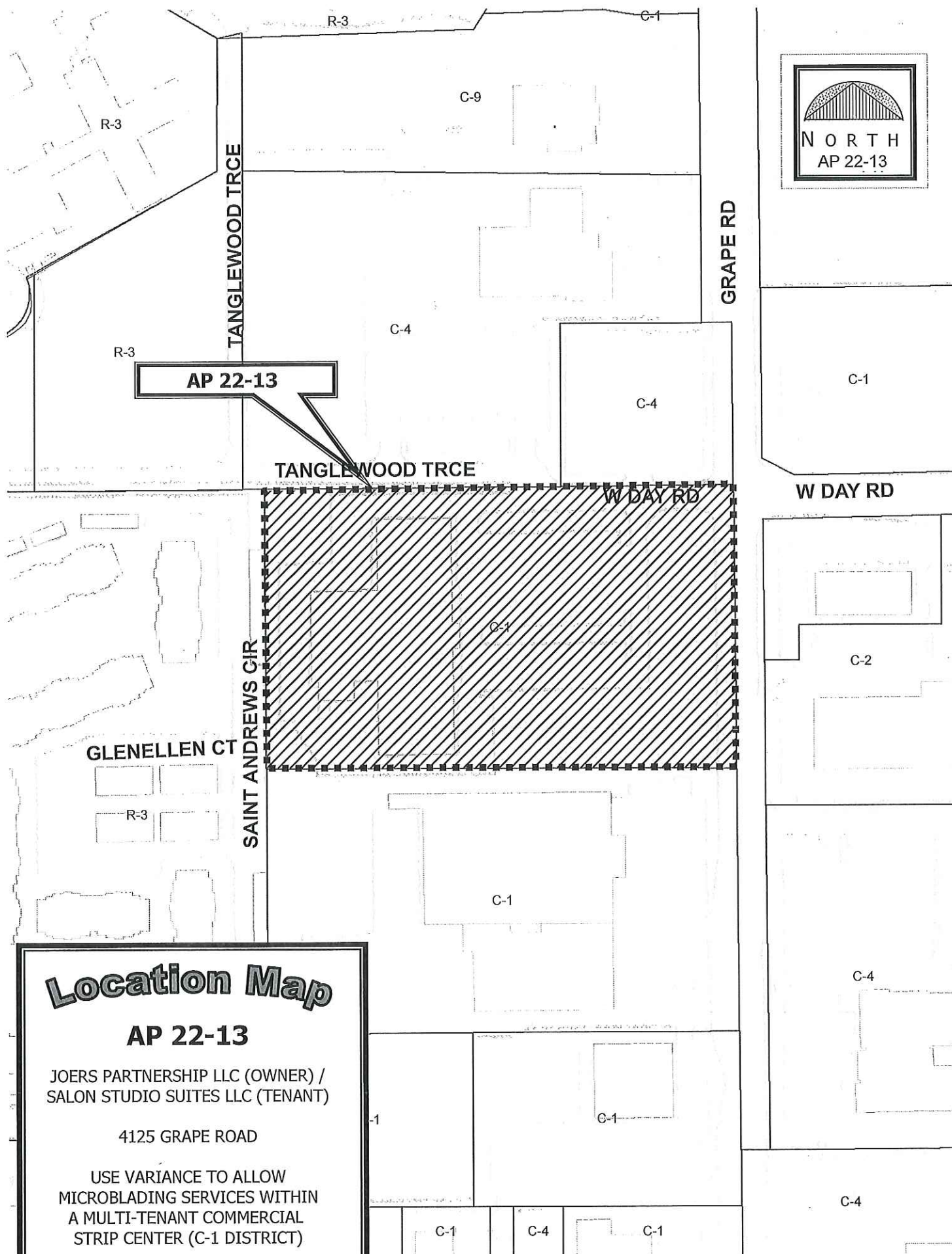
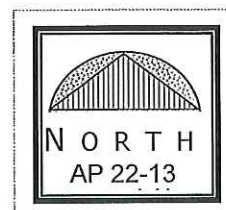
Lessor: Joers Partnership

By



Ronald Joers Partner





Location Map

AP 22-13

JOERS PARTNERSHIP LLC (OWNER) /
SALON STUDIO SUITES LLC (TENANT)

4125 GRAPE ROAD

USE VARIANCE TO ALLOW
MICROBLADING SERVICES WITHIN
A MULTI-TENANT COMMERCIAL
STRIP CENTER (C-1 DISTRICT)

JUN 15 2022

City Clerk
Mishawaka, IN

PETITION 22-03
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2022-14
ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended denial of the reclassification of the zoning as herein set forth of the real estate hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

Lot 71, Milburn Place

COMMON ADDRESS: 1816 West Sixth Street

which real estate is now classified as I-1 Light Industrial District shall hereafter be within and a part of that District known as R-1 Single Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. The neighborhood surrounding the property is primarily residential in nature, and rezoning the property to R-1 would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location and its relationship to surrounding properties, staff feels that the most desirable use for this property is a single-family use;
3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood,

Proposed Ordinance No: 22-14

Ordinance No: _____

conserving property values in the immediate and surrounding residential neighborhood; and,

5. The City's Comprehensive Plan calls for industrial because of its proximity to the railroad tracks, however, rezoning to residential would be compatible and consistent with the historic residential use of the property.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2022, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2022, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2022, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: 1816 W Sixth ST

Date: May 10, 2022

Petition: 22 03

Prepared By: CH

GENERAL INFORMATION

Applicant: Evan Forslund
Status: Property Owner
Request: Rezone from I-1 Light Industrial District to R-1 Single Family Residential
Zoning Classification: I-1 Light Industrial District
Lot Size: 41' X 150' (0.14 acres)
Applicable Regulations: Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential District (across railroad tracks)
South: R-1 Single Family Residential District (across Sixth Street)
East: I-1 Light Industrial District (food truck conversation business)
West: I-1 Light Industrial District (single family home)

Thoroughfare: West Sixth Street

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: Industrial (Manufacturing, Warehousing and Distribution)

ANALYSIS

The Petitioner is requesting to rezone 1816 W Sixth Street from I-1 Light Industrial District to R-1 Single Family Residential District. The property is located on the north side of Sixth Street between Alabama St and Meridian St. The properties against the railroad tracks are all zoned I-1 Light Industrial, however, south of Sixth Street is a residential neighborhood.

The house was built in 1910. The Petitioner recently purchased the property and is planning on rehabbing the home. The property has been vacant since. The previous owner ran the business to the east and owned both properties.

Prior to the 1980's residential uses were permitted in commercial and industrial districts. Around 1986 the Zoning Ordinance was amended to prohibit residential uses in certain districts.

Pertinent City Departments have reviewed and approved the request. Engineering commented that residentially zoned property qualifies for sewer insurance. The owner should follow up with Mishawaka Utilities Business office to confirm. The Building Department commented permits are required.

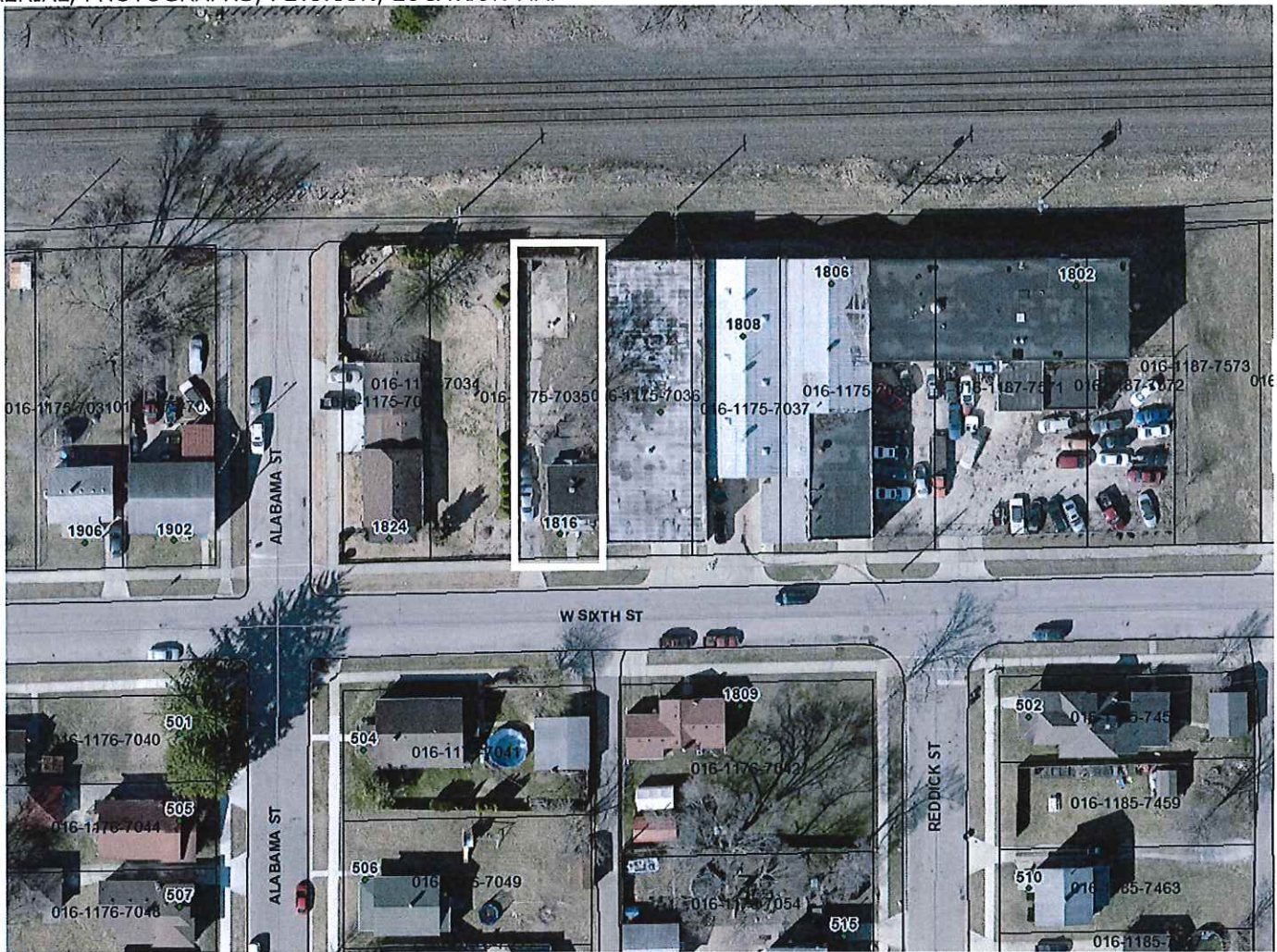
RECOMMENDATION

The Planning Department recommends **approval** of Petition #22-03 to rezone 1816 West Sixth Street from I-1 Light Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. The neighborhood surrounding the property is primarily residential in nature, and rezoning the property to R-1 would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location and its relationship to surrounding properties, staff feels that the most desirable use for this property is a single-family use;
3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for industrial because of its proximity to the railroad tracks, however, rezoning to residential would be compatible and consistent with the historic residential use of the property.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP





Street View of 1816 W Sixth St.



A view of the house and the industrial building to the east



A view of 1816 W Sixth and the house to the west



A view of the house to the west

Pet 22-03

DATE: 4/19/22

Honorable Members of the
Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

Deborah S. Block, IAC, MMC

APR 28 2022

City Clerk
Mishawaka, IN

RE: PETITION TO REZONE

The undersigned Evan Forslund respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Lot 71 Milburn Place
Commonly known as 1816 W Sixth ST.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of I-1 Light Industrial District. Said property is a single family home.

Petitioner(s) desire said real estate to be rezoned to R-1 Single Family District. Petitioner(s) further state that they intend to utilize said land to match the exiting use.

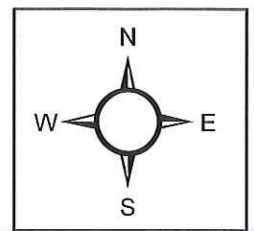
Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Signature(s) of Property Owner(s)

Typewritten name also

CONTACT PERSON:

NAME Evan Forslund
ADDRESS 2526 Riviera Dr. Mishawaka IN
PHONE NUMBER 574-340-2234
FAX
EMAIL Forslund Real Estate@gmail.com



PET 22-03

ALABAMA ST

W SIXTH ST

ALABAMA ST

REDDICK ST

Location Map

PETITION 22-03

EVAN FORSLUND
1816 W SIXTH ST

REZONING FROM
I-1 LIGHT INDUSTRIAL TO
R-1 SINGLE FAMILY RESIDENTIAL

JUN 15 2022

City Clerk
Mishawaka, IN

PETITION 22-04

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-15

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

Lot 47, Manoka Place

COMMON ADDRESS: 1023 West Sixth Street

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as R-2 Two-Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. The neighborhood surrounding the property is primarily residential in nature, and rezoning the property to R-2 would not be incompatible to the area as there are scattered R-2 sites in the vicinity;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is a two-family use;
3. Because the parcel is located in an area of residential uses, the rezoning to R-2 Two-Family Residential is a desirable use for this property;

Proposed Ordinance No: 22-15

Ordinance No: _____

4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-2 Two-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for low density residential and its rezoning to residential would be compatible and consistent with the historic residential uses in the area.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2022, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2022, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2022, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: 1023 W. Sixth St.

Date: June 14, 2022

Petition: 22 04

Prepared By: KM

GENERAL INFORMATION

Applicant: Michael A. Young

Status: Property Owner

Request: Rezone from C-1 General Commercial District to R-2 Two Family Residential

Zoning Classification: C-1 General Commercial District

Lot Size: 40' X 116.5'

Applicable Regulations: Sec. 137-186 Residential R-2 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential District
South: R-1 Single Family Residential District
East: R-1 Single Family Residential District
West: R-1 Single Family Residential District

Thoroughfare: Southeast corner of W. Sixth Street and Cleveland

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioner is requesting to rezone 1023 W. Sixth Street from C-1 General Commercial District to R-2 Two Family Residential District. The property is located on the southeast corner of Sixth and Cleveland Streets and surrounded by R-1 zoning.

The property has had a number of commercial businesses in the front portion of the building over the years, most recently a hair salon, and a residential unit in the rear. To establish the long-established residential use along with commercial on the property, the Polk Directory from 1976 and 1979 shows a catering business in the front and a residential unit in the rear. The 2003 Polk Directory shows a beauty salon in the front and residential unit in the rear. Rezoning the property to R-2 will be less intensive of a use in the neighborhood than the beauty salon or many other commercial uses.

The Petitioner states all salon equipment has been removed from the front portion and re-purposed for living space. He further states his mother lives in the rear and he plans on utilizing the front portion of the building when he visits the area. The property has a detached two car garage with off-street parking for two additional cars.

Prior to the 1980's residential uses were permitted in commercial districts. Around 1986 the Zoning Ordinance was amended to prohibit residential uses in certain districts.

Pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition #22-04 to rezone 1023 W. Sixth Street from C-1 General Commercial District to R-2 Two Family Residential District. This recommendation is based upon the following findings of fact:

1. The neighborhood surrounding the property is primarily residential in nature, and rezoning the property to R-2 would not be incompatible to the area as there are scattered R-2 sites in the vicinity;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is a two-family use;
3. Because the parcel is located in an area of residential uses, the rezoning to R-2 Two-Family Residential is a desirable use for this property;
4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-2 Two-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for low density residential and its rezoning to residential would be compatible and consistent with the historic residential uses in the area.

ATTACHMENTS

PETITION, PHOTOGRAPHS, AERIAL, LOCATION MAP



1023 W. Sixth Street



View of rear living area from Cleveland Street



View of garage

JUN 01 2022

City Clerk
Mishawaka, IN

DATE: May 2, 2022

Honorable Members of the Common Council City of Mishawaka, Indiana and
Mishawaka City Plan Commission

City of Mishawaka, Indiana

RE: PETITION TO REZONE

The undersigned Michael A. Young (*the titleholder of record*) respectfully shows he is the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

1023 W. 6th St, Mishawaka IN 46544, Parcel # 71-09-16-311-011.000-023,
Legal Description: Lot 47 Monoka Pl, Tax ID 016-1170-6859

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of ~~District 023~~ ^{C-1} Mishawaka-Penn. Said property is *Commercial*.

Petitioner desires said real estate to remain zoned to ~~District 023~~ ^{R-2} Mishawaka-Penn. Petitioner further states that they intend to utilize said land for *Residential*.

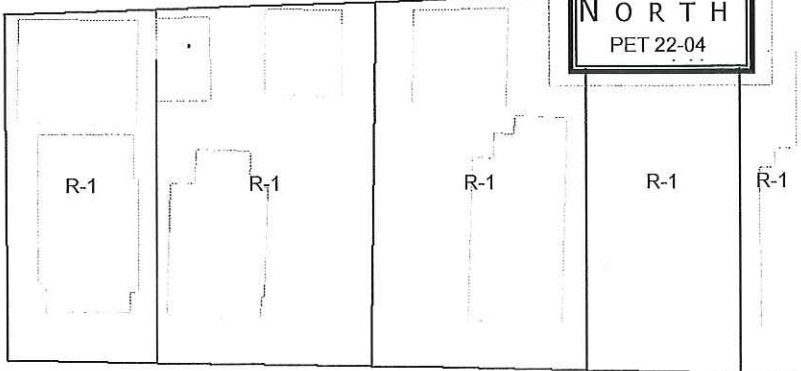
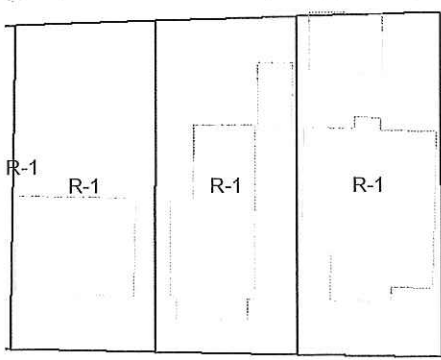
Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

There is no change to the site plan. The property has been re-purposed for living space – all salon equipment removed and just used as a home.

Best Regards,

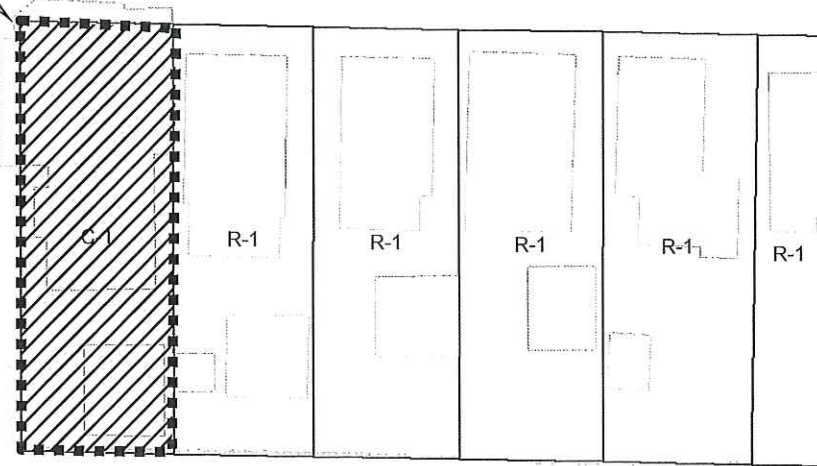
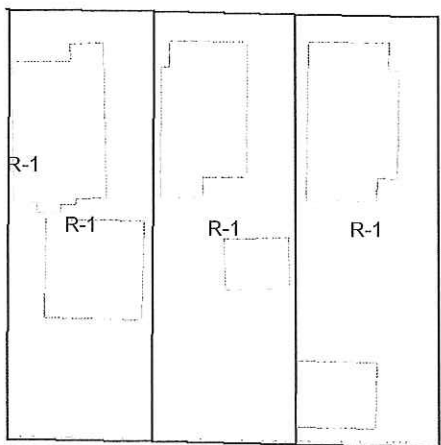

Michael Young, 1023 W. 6th St, Mishawaka IN 46544
574-206-6382, m1young@aol.com



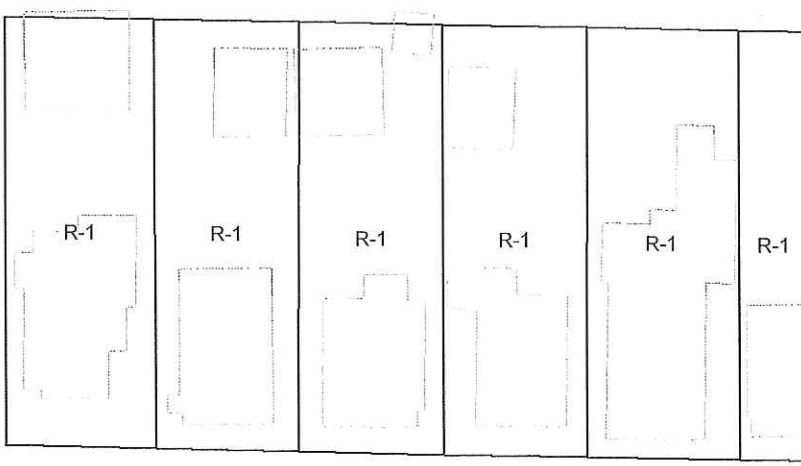
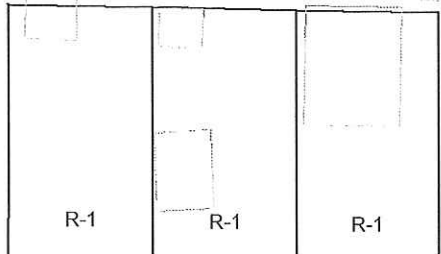


PET 22-04

W SIXTH ST



CLEVELAND ST



W SEVENTH ST

Location Map

PET 22-04

MICHAEL YOUNG (OWNER)

1023 W. 6TH STREET

REZONING FROM C-1 TO R-2 TO
REPURPOSE A SALON AND ONE
RESIDENTIAL UNIT FOR TWO-FAMILY
RESIDENTIAL USE (2 UNITS)

JUN 15 2022

City Clerk
Mishawaka, IN

PETITION 22-05

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-16

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, Harris Township, St. Joseph County, State of Indiana, to-wit:

Lot Numbered 1A in Cass Road Plaza Minor Lot 1 Replat as per plat thereof recorded December 9, 2014, as Instrument Number 1430875 in the Office of the Recorder of St. Joseph County, Indiana

COMMON ADDRESS: 1435 University Drive Court, Granger

which real estate is now classified as S-2 Planned Unit Development shall hereafter be amended to allow a self-storage facility subject to the following conditions:

1. No outdoor storage shall be permitted.
2. Additional landscaping shall be provided (where necessary) in all areas, compliant with the minimum landscaping and screening regulations (Section 137-815).

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Existing Conditions – The property is currently developed as an indoor recreational center. Other uses on University Drive Court are office design studio, a law office, hotel, dental office, retail, and self-storage. The property is located at the eastern edge of the University Drive commercial corridor.
2. Character of Buildings in Area – The buildings along the University Drive corridor are primarily single and multi-tenant commercial/retail.

Proposed Ordinance No: 22-16

Ordinance No: _____

3. The Most Desirable/Highest and Best Use – Due to the property's location at the eastern edge of a cul-de-sac, the most desirable use of the property would be to add self-storage as an additional use.
4. Conservation of Property Values – The proposed zoning should not be injurious to property values in the surrounding area. Currently, a range of commercial & industrial land uses, are permitted within the PUD being amended.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, did not include University Drive past the intersection with Main Street, (service commercial) or north of the Toll Road (low density residential). This area has developed as mainly retail but also has religious, multi-family and office uses.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2022, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2022, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2022, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: 1435 University Drive Ct

Date: June 14, 2022

Petition: 22- 05

Prepared By: CH

GENERAL INFORMATION

Applicant: South Bend Indoor Soccer Inc/Verdad Real Estate

Status: Property Owner / Contingent Owner

Request: Amend part of the Cass Road/East University Drive Planned Unit Development (PUD) to allow a self-storage facility

Zoning Classification: S-2 Planned Unit Development (Permitted Uses on the portion of the PUD to be amended include all C-2 Shopping Center Commercial uses)

Lot Size: 3.62 acres

Applicable Regulations: Section 137-671 to 137-679 / S-2 Planned Unit Development District & Section 137-41 / Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development (City Plaza South)
South: South of Toll Road
East: S-2 Planned Unit Development (The Villas on Fir apartments)
West: S-2 Planned Unit Development (Cass Road/East University Drive)

Thoroughfare: University Drive Court

School District: Penn-Harris-Madison

Township: Harris

Public Utilities: All utilities are available and currently serve the site

Comprehensive Plan: This area was not identified on the 2000 Comprehensive Plan

ANALYSIS

The petitioner, South Bend Indoor Soccer Inc, is requesting to amend part of the Cass Road/East University Drive Planned Unit Development (PUD) to allow climate controlled self-storage facility in the former Soccer Zone.

Soccer Zone was developed in St. Joseph County and annexed into the City in 1998. The current PUD regulations applicable to the property, also approved in 1998 (Petition 98-4/Ord. 4246), permitted office/service center; office distribution; office/retail; medical services; office buildings, restaurants and recreational uses. The portion of the PUD to be amended is only Lot 1A, the parcel on which the Soccer Zone sits.

The existing building is 83,120 square feet. Excluding the proposed change in use, no immediate improvements are planned for the property. The footprints of the buildings will remain as is with no changes to the existing parking area and access drives.

There is a self lock storage facility to the west at 1015 E University Drive; developed in 2000.

All pertinent City Departments have reviewed and approved the PUD amendment request.

RECOMMENDATION

Staff recommends **approval** of Petition 22-05 to amend part of the Cass Road/East University Drive Planned Unit Development (PUD) to allow a self-storage facility subject to the following conditions:

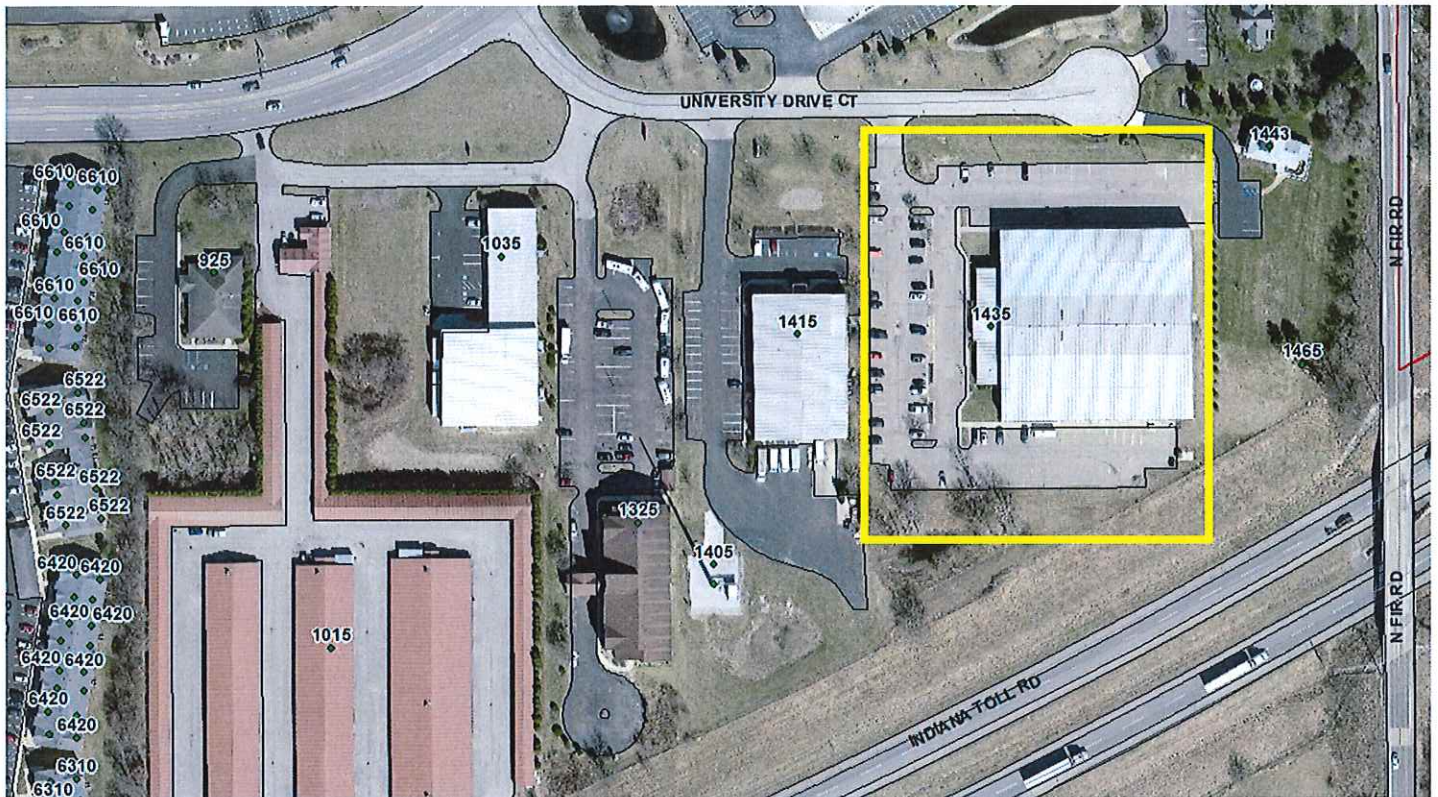
1. No outdoor storage shall be permitted.
2. Additional landscaping shall be provided (where necessary) in all areas, compliant with the minimum landscaping and screening regulations (Section 137-815).

The recommendation is based on the following findings of fact:

1. Existing Conditions – The property is currently developed as an indoor recreational center. Other uses on University Drive Court are office design studio, a law office, hotel, dental office, retail, and self storage. The property is located at the eastern edge of the University Drive commercial corridor.
2. Character of Buildings in Area – The buildings along the University Drive corridor are primarily single and multi-tenant commercial/retail.
3. The Most Desirable/Highest and Best Use – Due to the property’s location at the eastern edge of a cul-de-sac, the most desirable use of the property would be to add self storage as an additional use.
4. Conservation of Property Values – The proposed zoning should not be injurious to property values in the surrounding area. Currently, a range of commercial & industrial land uses, are permitted within the PUD being amended.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, did not include University Drive past the intersection with Main Street, (service commercial) or north of the Toll Road (low density residential). This area has developed as mainly retail but also has religious, multi-family and office uses.

ATTACHMENTS

Photographs, Petition, Conceptual Site Plan, Location Map



Front view (west elevation)



Side facing Toll Road (south elevation)



Side facing University Drive Court (north elevation)

Friday, May 20, 2022

Deborah S. Block, IAMC, MMC

JUN 01 2022

City Clerk
Mishawaka, IN



Honorable Members of the
Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: PETITION FOR PUD AMENDMENT

The undersigned SOUTH BEND SOCCER, INC., an Indiana Corporation ("Petitioner"), respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Address: 1435 University Drive Ct, Granger, IN, 46530

Parcel ID: 030-1012-015601

Legal Description: Lot Numbered 1A in Cass Road Plaza Minor Lot 1 Replat, as per plat thereof recorded December 9, 2014 as Instrument Number 1430875 in the Office of the Recorder of Saint Joseph County, Indiana.

Petitioner- owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for use as an indoor soccer facility.

Petitioner desires to sell said real estate to a third-party which will use the property for a climate controlled self-storage facility, and therefore Petitioner respectfully requests that the zoning classification for the property be amended to allow for a climate controlled self-storage facility.

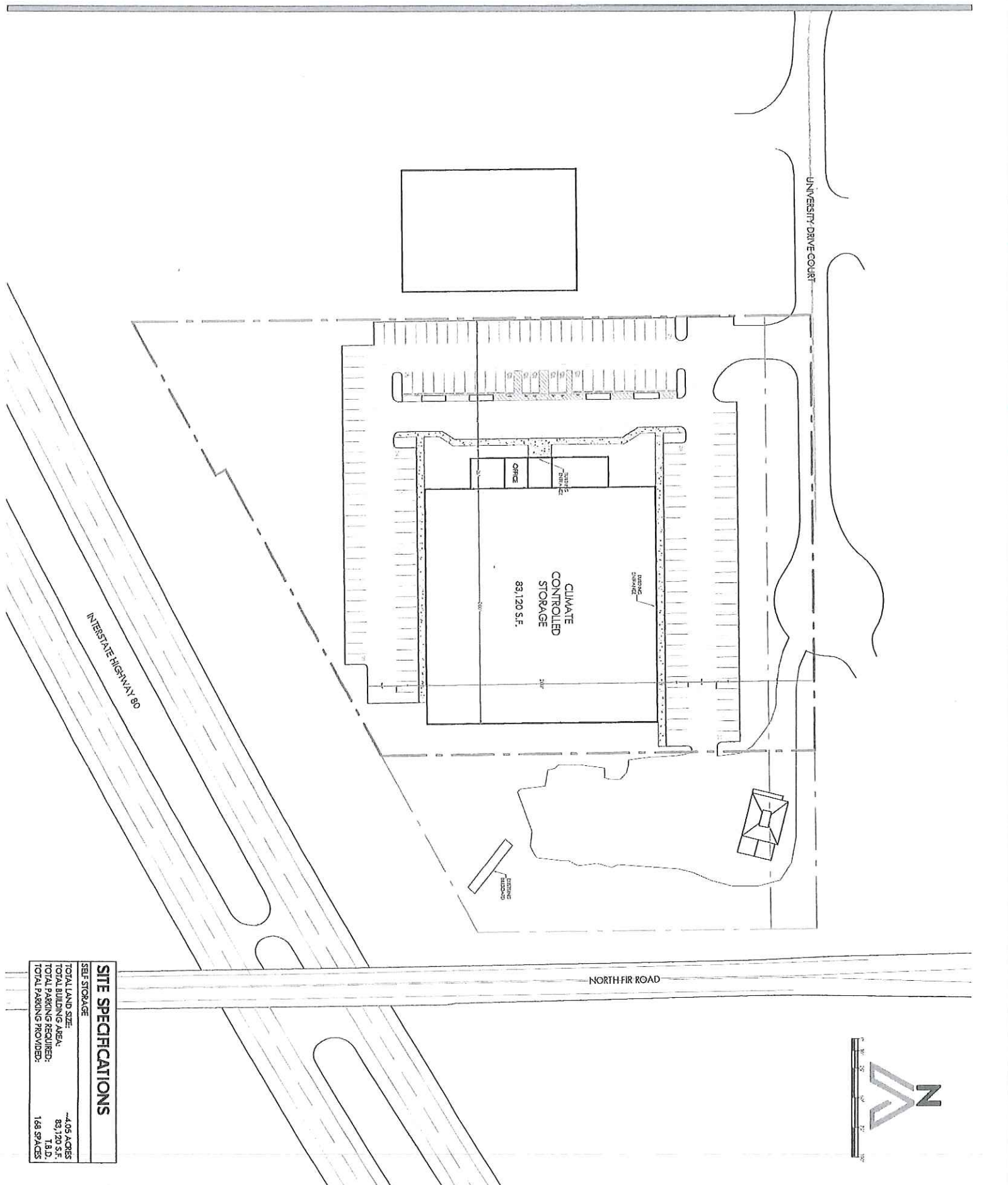
Wherefore, the petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted amending the PUD of the above described parcel of land located in the City of Mishawaka.

Signature(s) of Property Owner(s)

Mike Garrett
Vice President, INDOOR
SOUTH BEND SOCCER, INC.,
an Indiana corporation

CONTACT PERSON:

Name: Alex Gauthreaux
Address: 201 Saint Joseph Street, STE 200
New Orleans, LA 70130
Phone Number: 985-974-2347
Email Alex@Verdad.com



SITE SPECIFICATIONS

SELF STORAGE	
TOTAL LAND SIZE:	4.05 ACRES
TOTAL BUILDING AREA:	83,120 S.F.
TOTAL PARKING REQUIRED:	168 S.P.
TOTAL PARKING PROVIDED:	168 SPACES

PROPOSED SELF STORAGE

NOTE: ALL DIMENSIONS AND LAND/BUILDING AREA CALCULATIONS ARE APPROXIMATE.

1211 S. WHITE CHAPEL BOULEVARD
SOUTH LAKE, TEXAS 76092

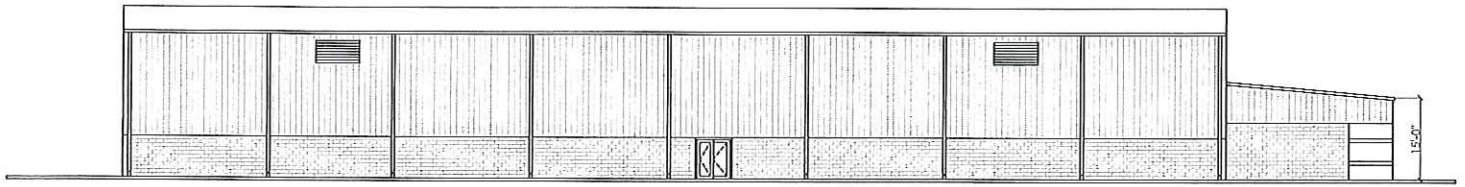
817.807.8114 | 817.912.0550 | F
VERDAD.COM | W

EAST UNIVERSITY DRIVE & UNIVERSITY DRIVE COURT | GRANGER | IN

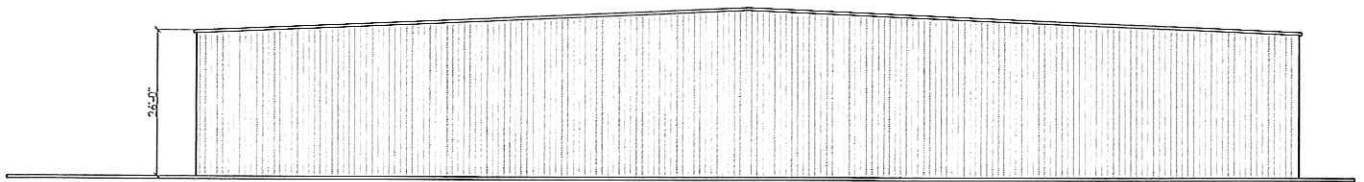
01

VERDAD

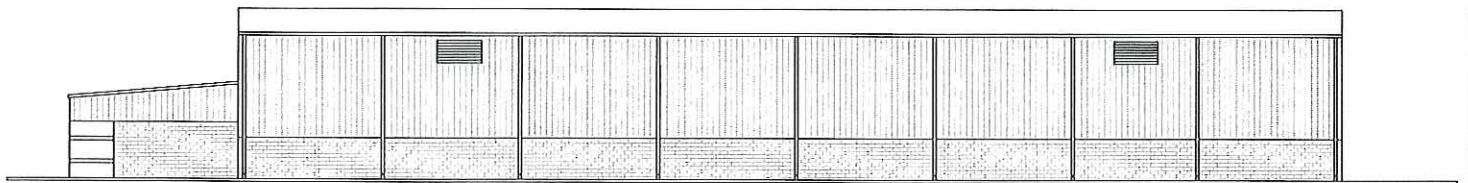
THIS SITE PLAN IS PRELIMINARY IN NATURE AND SUBJECT TO CHANGE. IT IS SUBJECT TO GOVERNMENTAL CODES, TENANT MIX, AND CIVIL ENGINEERING REQUIREMENTS AS WILL BE DICTATED BY THE GOVERNING CITY OR MUNICIPALITY.



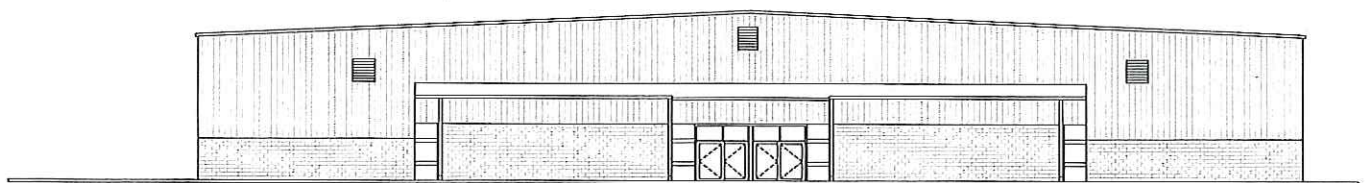
NORTH ELEVATION



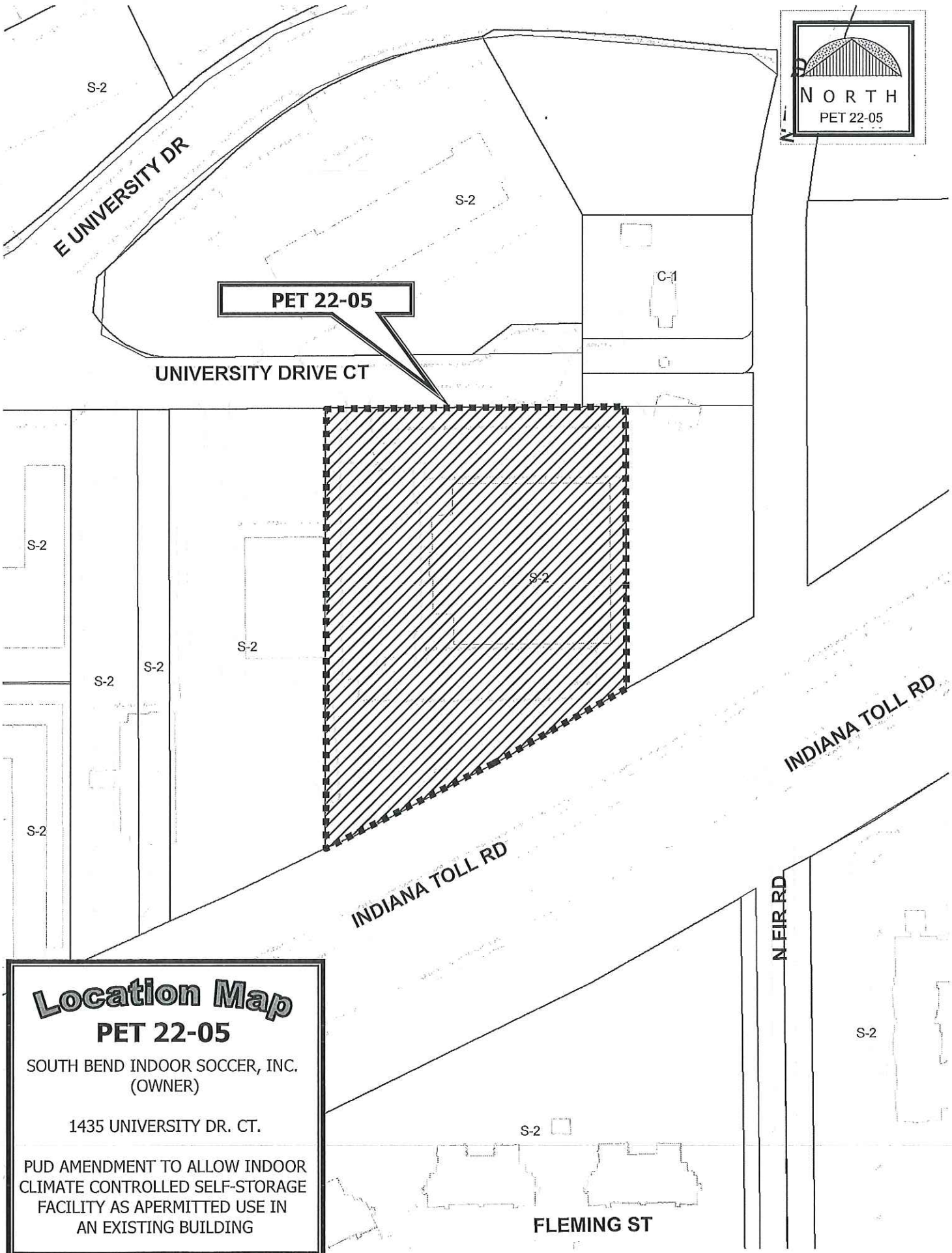
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



PET 22-05

UNIVERSITY DRIVE CT

C-1

INDIANA TOLL RD

INDIANA TOLL RD

N FIR RD

S-2

FLEMING ST

Location Map

PET 22-05

SOUTH BEND INDOOR SOCCER, INC.
(OWNER)

1435 UNIVERSITY DR. CT.

PUD AMENDMENT TO ALLOW INDOOR
CLIMATE CONTROLLED SELF-STORAGE
FACILITY AS APERMITTED USE IN
AN EXISTING BUILDING

JUN 15 2022

City Clerk
Mishawaka, IN

PETITION 22-06

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-17

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

Parcel 1 (Tax Key #016-1010-0449)

Lot 3, on Hill Street, together with the east half of the adjacent vacated alley to the west and the north half of the adjacent vacated alley to the south, as shown on the Original plat of the Village of St. Joseph Iron Works, now the City of Mishawaka, recorded in Plat Book 1, Page 17, in the Office of the Recorder of St. Joseph County, Indiana.

Parcel 2 (Tax Key #016-1010-0451, 016-1010-0452, 016-1010-0453, and 016-1010-0454)

The south 36' of Lot 5, and Lot 7, both on Hill Street, together with the east half of the adjacent vacated alley to the west, as shown on the Original plat of the Village of St. Joseph Iron Works, now the City of Mishawaka, recorded in Plat Book 1, Page 17, in the Office of the Recorder of St. Joseph County, Indiana, and

Parcel 3 (Tax Key #016-1010-0458)

The north 50' of the west half of Lot 6, on Hill Street, together with the south half of the adjacent vacated alley to the north, as shown on the Original plat of the Village of St. Joseph Iron Works, now the City of Mishawaka, recorded in Plat Book 1, Page 17, in the Office of the Recorder of St. Joseph County, Indiana.

COMMON ADDRESS: Vacant parcels on North Hill Street between West Front and West First Streets

which real estate is now classified as I-2 Heavy Industrial District shall hereafter be within and a part of that District known as C-3 City Center Commercial District designated in "The Zoning Ordinance of 1966" as amended.

Proposed Ordinance No: 22-17

Ordinance No: _____

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Existing Conditions – The parcels are currently vacant partially serving as a temporary contractor staging area for the nearby city construction projects. The Mill at Ironworks mixed-used development is located to the north.
2. Character of the Buildings – The adjacent properties are primarily vacant with the exception of a large mixed-use building to the north and an apartment building and restaurant to the south.
3. The desirable/highest and best use – Because the parcel is located within the downtown area, the rezoning to C-3 City Center Commercial is a desirable use for this property. All of the adjacent parcels are also zoned C-3 permitting various commercial and residential uses.
4. Conservation of property values – As opposed to the range of potential industrial development that could occur with its current zoning, rezoning these properties to the C-3 City Center classification will have a favorable and stabilizing impact in the area, conserving property values in the immediate and surrounding neighborhood.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within these properties. The proposed C-3 City Center Commercial zoning is consistent with the Comprehensive Plan and the overall development plan for the downtown area.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2022, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2022, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: 22-17

Ordinance No: _____

APPROVED by me this _____ day of _____, 2022, at
_____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: Parcels on N. Hill St. between W. Front St. & W. First St.

Date: June 14, 2022

Petition: 22- 06

Prepared By: DJS

GENERAL INFORMATION

Applicant: City of Mishawaka Board of Public Works & Safety

Status: Majority Property Owner

Request: To rezone from I-1 Light Industrial & I-2 Heavy Industrial to C-3 City Center Commercial

Zoning Classification: I-1 Light Industrial & I-2 Heavy Industrial

Lot Size: Approximately 0.66 acres

Applicable Regulations: Section 137-328 thru 137-360 / C-3 City Center Commercial District & Section 137-41 / Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-3 City Center Commercial (Vacant & Multi-Family Residential and Commercial / The Mill at Ironworks)

South: C-3 City Center Commercial (Vacant, Restaurant / Jesus Latin Grill, and Multi-Family Residential / Mishawaka Main Jr. High Apartments)

East: C-3 City Center Commercial (Vacant & City-Owned Parking Lot)

West: C-3 City Center Commercial (Vacant)

Thoroughfare: N. Hill St., W. Front St. & W. First St.

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available to the site

Comprehensive Plan: General Commercial

ANALYSIS

The City of Mishawaka, through its Board of Public Works, is requesting to rezone three parcels of property located on N. Mill Street between W. Front Street and W. First Street from I-1 Light Industrial and I-2 Heavy Industrial to C-3 City Center Commercial. The Board of Public Works is the majority property owner with the other deeded owners being the City of Mishawaka and Calet Partnership.

Parcels 1 and 2 to the west of N. Hill Street are currently owned by the City. The parcels, which include five separate tax parcels (016-1010-0449, and 016-1010-0451 through -0454), are vacant. Parcel 1 was acquired in July 2021 and currently serves as a contractor staging and storage area for the construction of Ironworks Plaza, Phase III. This project is being constructed north of The Mill at Ironworks and includes

an ice rink, café, and event center. Parcel 2 was acquired by the City in the first quarter of 2021. Two residential homes were located on this parcel until being demolished in late 2021.

Parcel 3 (tax parcel 016-1010-0458) to the east of N. Hill Street is currently owned by Calet Partnership. This parcel is included in the petition as a Planning Department initiated amendment since the rezoning petition is not signed by this owner. Per Section 137-41 / Amendment of this Chapter and the Zoning Map, a zoning map amendment may be initiated by the Department of City Planning. The parcel is vacant and serves as a point of access for the adjacent construction staging area to the north. Parcel 3 will soon be acquired by the City.

All parcels are zoned I-1 Light Industrial or I-2 Heavy Industrial reflecting the historical use of the properties and adjacent area for the Uniroyal/Ball Band manufacturing complex.

The City desires to rezone the properties to the C-3 City Center Commercial District to allow for projected development that is consistent with the overall downtown development plan and recent nearby construction. A local developer has approached the City with plans to construct a multi-family residential apartment building in the block bound by W. Front Street, N. Hill Street, W. First Street, and N. Spring Street. A development agreement between the City and contingent developer is anticipated in the near future.

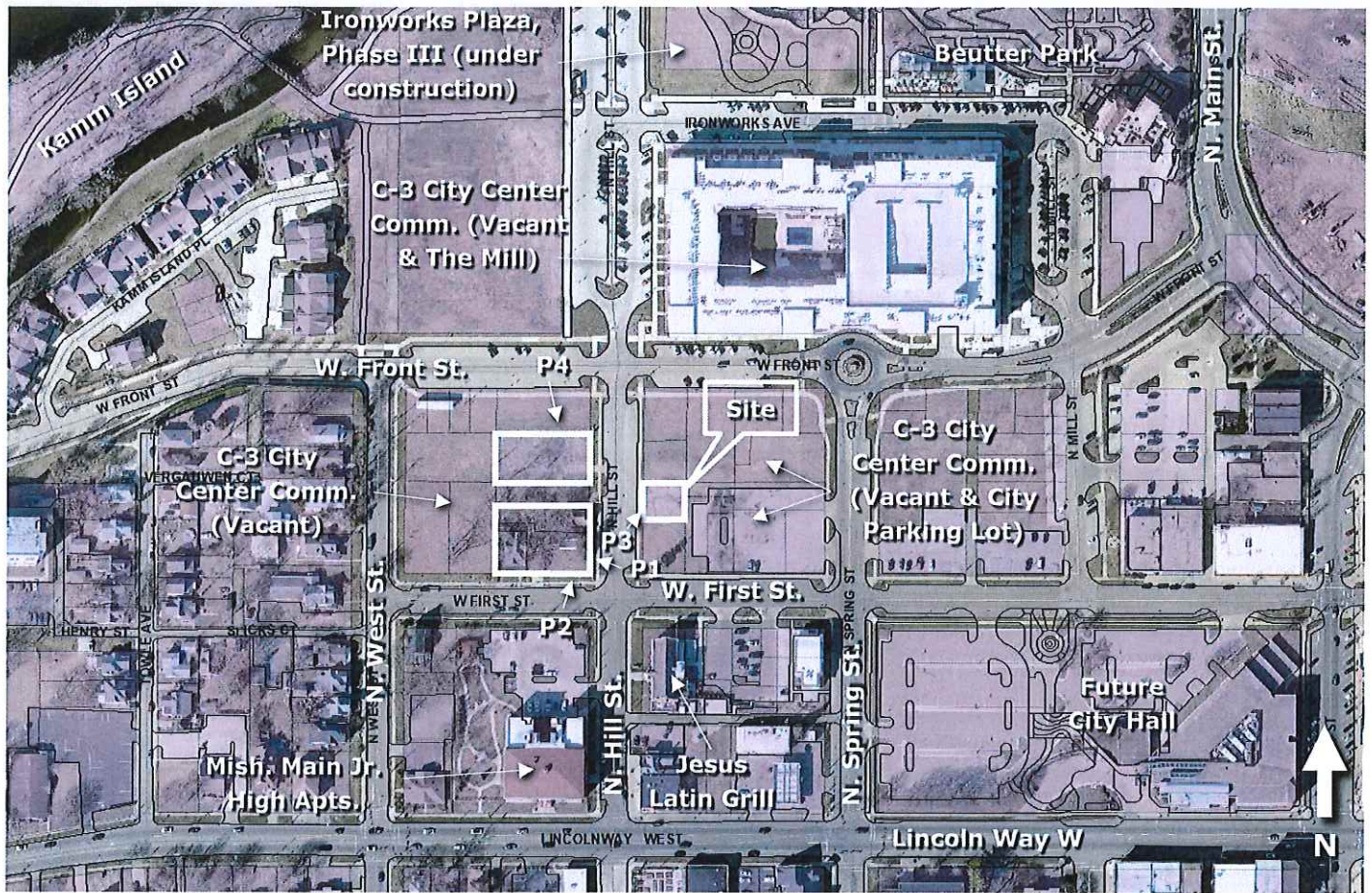
RECOMMENDATION

The Planning Department recommends approval of Petition 22-06 to rezone several properties located on N. Mill Street between W. Front Street and W. First Street from I-1 Light Industrial and I-2 Heavy Industrial to C-3 City Center Commercial. This recommendation is based upon the following findings of fact:

1. Existing Conditions – The parcels are currently vacant partially serving as a temporary contractor staging area for the nearby city construction projects. The Mill at Ironworks mixed-used development is located to the north.
2. Character of the Buildings – The adjacent properties are primarily vacant with the exception of a large mixed-use building to the north and an apartment building and restaurant to the south.
3. The desirable/highest and best use – Because the parcel is located within the downtown area, the rezoning to C-3 City Center Commercial is a desirable use for this property. All of the adjacent parcels are also zoned C-3 permitting various commercial and residential uses.
4. Conservation of property values – As opposed to the range of potential industrial development that could occur with its current zoning, rezoning these properties to the C-3 City Center classification will have a favorable and stabilizing impact in the area, conserving property values in the immediate and surrounding neighborhood.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within these properties. The proposed C-3 City Center Commercial zoning is consistent with the Comprehensive Plan and the overall development plan for the downtown area.

ATTACHMENTS

Photographs, Petition, Zoning Map, Tax Parcel Map & Location Map



Aerial Photograph
 Vacant Parcels – Downtown Mishawaka
 South of The Mill at Ironworks



P1. Looking westerly toward vacant Parcel 2 from N. Hill St.



P2. Looking northerly toward Parcel 2 and Parcel 1 staging area to the north from W. First St.



P3. Looking northeasterly toward Parcel 3 from N. Hill St.

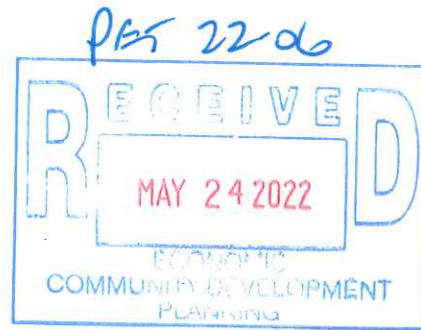


P4. Looking southerly toward Parcel 1 staging area from W. Front St.

Deborah S. Block, IAMC, MMC

JUN 01 2022

City Clerk
Mishawaka, IN



DATE: May 23, 2020

Honorable Members of the
Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: PETITION TO REZONE

The undersigned the City of Mishawaka, through its Board of Public Works & Safety respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Parcel 1 (Tax Key #016-1010-0449)

Lot 3, on Hill Street, together with the east half of the adjacent vacated alley to the west and the north half of the adjacent vacated alley to the south, as shown on the Original plat of the Village of St. Joseph Iron Works, now the City of Mishawaka, recorded in Plat Book 1, Page 17, in the Office of the Recorder of St. Joseph County, Indiana.

Parcel 2 (Tax Key #016-1010-0451, 016-1010-0452, 016-1010-0453, and 016-1010-0454)

The south 36' of Lot 5, and Lot 7, both on Hill Street, together with the east half of the adjacent vacated alley to the west, as shown on the Original plat of the Village of St. Joseph Iron Works, now the City of Mishawaka, recorded in Plat Book 1, Page 17, in the Office of the Recorder of St. Joseph County, Indiana.

The above Parcels 1 & 2 are located within the east half of the block bound by W. Front Street, N. West Street, W. First Street, and N. Hill Street.

The Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of I-2 Heavy Industrial District (Parcel 1) and I-1 Light Industrial District (Parcel 2). Said property is current vacant.

Calet Partnership is the owner of the below of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Parcel 3 (Tax Key #016-1010-0458)

The north 50' of the west half of Lot 6, on Hill Street, together with the south half of the adjacent vacated alley to the north, as shown on the Original plat of the Village of St. Joseph Iron Works, now the City of Mishawaka, recorded in Plat Book 1, Page 17, in the Office of the Recorder of St. Joseph County, Indiana.

Parcel 3 is located within the west half of the block bound by W. Front Street, N. Hill Street, W. First Street, and N. Spring Street.

The above described parcel of land which carries a zoning I-2 Heavy Industrial (Parcel 3) is included in this petition as a Planning Department initiated amendment. Per Section 137-41 / Amendment of this Chapter and the Zoning Map, a zoning map amendment may be initiated by the Department of City Planning. Said property is currently vacant.

The Petitioners desire all parcels of said real estate to be rezoned to the C-3 City Center Commercial District. Petitioners further state that they intend to utilize said land for future development consistent with those permitted in the C-3 District.

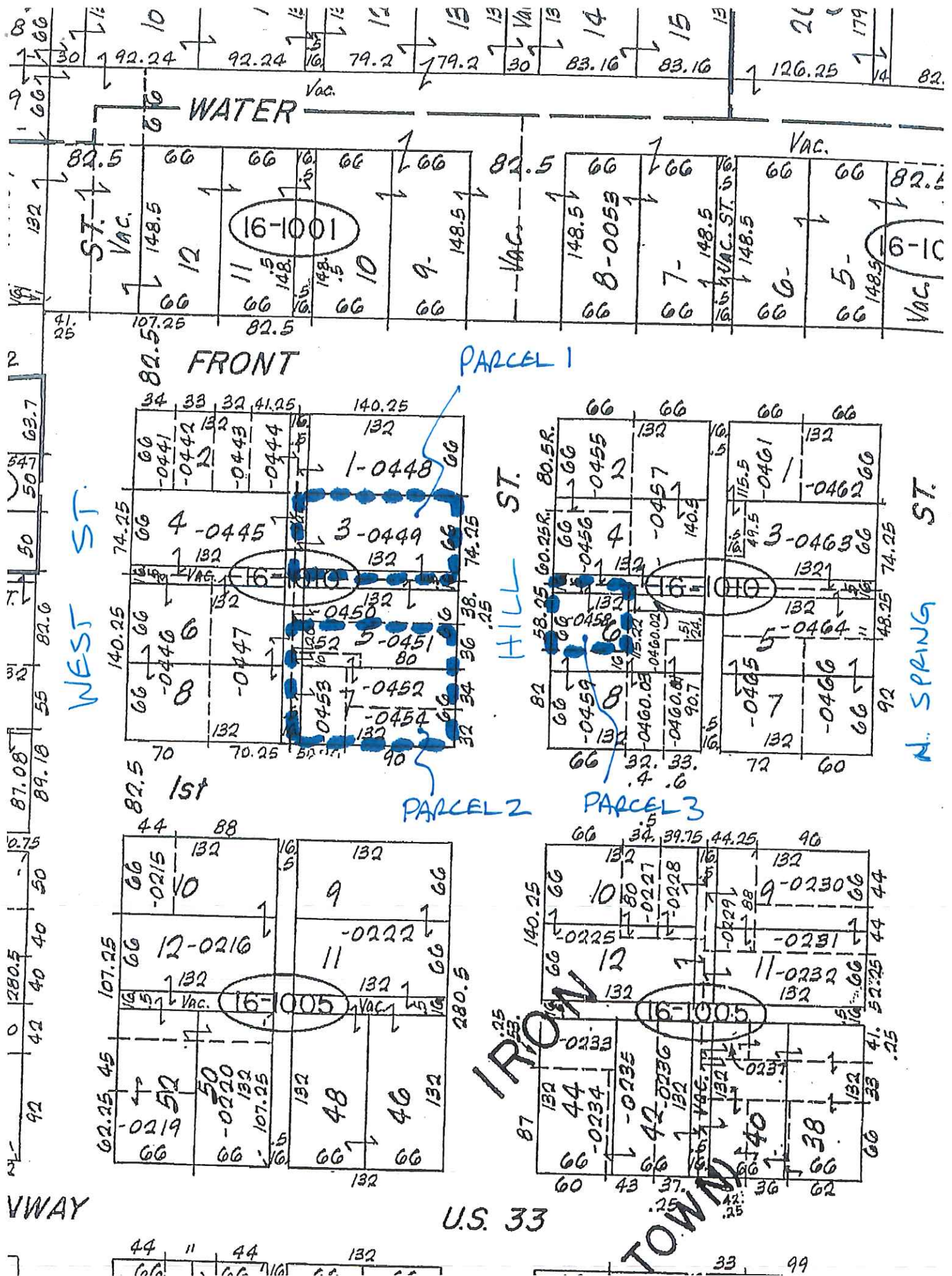
Wherefore, the petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcels of land located in the City of Mishawaka.



Kenneth B. Prince, ASLA, AICP
Executive Director, Planning & Community Development
President, Board of Public Works & Safety

CONTACT PERSON:

DEREK J. SPIER, AICP
CITY PLANNER
600 E. THIRD STREET
MISHAWAKA, IN 46545
(574) 258-1625
DSPIER@MISHAWAKA.IN.GOV





N.T.S.

↑
2



THE MILL

PET 22-06

W FRONT ST

N. WEST ST.

N HILL ST

PARCEL 3

PARCEL 1

PARCEL 2

W FIRST ST

N SPRING ST

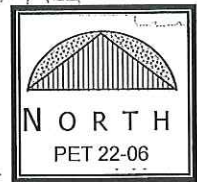
Location Map

PET 22-06

CITY OF MISHAWAKA &
CALET PARTNERSHIP (OWNERS)

VACANT LOTS ON N. HILL ST.
BETWEEN W. FRONT ST. & W 1ST ST.

REZONING FROM I-1 & I-2 TO C-3
CITY CENTER COMMERCIAL TO MATCH
ADJACENT ZONING AND PERMIT
FUTURE C-3 USES



THE MILL

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

PET 22-06

W FRONT ST

N. WEST ST.

N HILL ST

N SPRING ST

PARCEL 3

PARCEL 1

PARCEL 2

W FIRST ST

Location Map

PET 22-06

CITY OF MISHAWAKA &
CALET PARTNERSHIP (OWNERS)

VACANT LOTS ON N. HILL ST.
BETWEEN W. FRONT ST. & W 1ST ST.

REZONING FROM I-1 & I-2 TO C-3
CITY CENTER COMMERCIAL TO MATCH
ADJACENT ZONING AND PERMIT
FUTURE C-3 USES

JUN 15 2022

City Clerk
Mishawaka, IN

PETITION 22-07

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-18

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

A PART OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING A PORTION OF LAND CONVEYED TO SMITA V. PATEL, AS DESCRIBED IN INSTRUMENT NUMBER 1533882, ST. JOSEPH COUNTY RECORDER, AND ALL OF LAND CONVEYED TO BALAJI HOSPITALITY GROUP, LLC, AS DESCRIBED IN INSTRUMENT NUMBER 1013215, ST. JOSEPH COUNTY RECORDER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTER LINE OF LINCOLN HIGHWAY EAST IN THE CITY OF MISHAWAKA AS FORMERLY LOCATED, PRIOR TO THE WIDENING OF SAID HIGHWAY BY RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF MISHAWAKA, PASSED APRIL 1, 1935, WHICH IS RECORDED IN MISCELLANEOUS RECORD 55 AT PAGE 327 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, WHICH POINT IS 412.5 FEET EASTERLY FROM THE INTERSECTION OF SAID CENTER LINE OF LINCOLN HIGHWAY WITH THE WEST LINE OF SAID SECTION 13, AND IS THE SOUTHWEST CORNER OF SAID PATEL LAND; THENCE EASTERLY, FOLLOWING SAID CENTERLINE OF LINCOLN HIGHWAY, AS FORMERLY LOCATED, A DISTANCE OF 313.2 FEET TO A POINT 725.7 FEET EASTERLY FROM THE INTERSECTION OF SAID CENTER LINE OF LINCOLN HIGHWAY WITH THE WEST LINE OF SAID SECTION 13, AND BEING THE SOUTHEAST CORNER OF A PARCEL OF LAND WHICH WAS CONVEYED BY GEORGE F. LAING TO HARRY A. SIPLE AND OLLO D. SIPLE, HUSBAND AND WIFE, BY A WARRANTY DEED DATED FEBRUARY 20, 1937, WHICH IS RECORDED IN DEED RECORD 290 AT PAGES 446-447 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY; THENCE CONTINUING EASTERLY, FOLLOWING SAID CENTER LINE OF LINCOLN HIGHWAY, AS FORMERLY LOCATED, A DISTANCE OF 111.18 FEET; THENCE NORTH 12° 51' 58" EAST A DISTANCE OF 193.83 FEET TO A 5/8" REBAR WITH CAP ("ABONMARCHE FIRM 0050") MARKING THE SOUTHWEST CORNER OF LINCOLNWAY CAPITAL CORNER MINOR SUBDIVISION, RECORDED AS INSTRUMENT NUMBER 2022-

Ordinance No: _____

01612, ST. JOSEPH COUNTY RECORDER; THENCE CONTINUING NORTH 12° 51' 58" EAST, ALONG THE WESTERLY LINE OF SAID SUBDIVISION, A DISTANCE OF 271.49 FEET TO A MAG NAIL MARKING THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE NORTH 89° 44' 21" EAST, ALONG THE NORTH LINE OF SAID SUBDIVISION, A DISTANCE OF 127.85 FEET TO A 5/8" REBAR WITH CAP ("ABONMARCHE FIRM 0050") MARKING THE NORTHEAST CORNER OF SAID SUBDIVISION; THENCE NORTH 00° 15' 39" WEST, ALONG THE EAST LINE OF SAID PATEL LAND, 189.6 FEET, MORE OR LESS, TO THE SOUTHERLY EDGE OF WATER OF THE ST. JOSEPH RIVER; THENCE WESTERLY AND SOUTHWESTERLY, FOLLOWING THE MEANDERING OF SAID EDGE OF WATER, TO THE NORTHWESTERLY CORNER OF SAID PATEL LAND, SAID CORNER BEING NORTH 16° 4' EAST (DEED BEARING PER PATEL LAND) OF THE POINT OF BEGINNING; THENCE SOUTH 16° 4' WEST, ALONG THE WEST LINE OF SAID PATEL LAND, A DISTANCE OF 517 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD. SUBJECT TO ADDITIONAL RIGHT OF WAY FOR LINCOLN HIGHWAY (LINCOLNWAY / STATE ROUTE 933) AS SHOWN ON INDOT PLANS PROJECT NO. STP -517110151, CONTRACT "IR 31091", DATED NOVEMBER 24, 2009. PARCEL SUBJECT TO SURVEY.

COMMON ADDRESS: 2754 Lincolnway East

which real estate is now classified as C-1 General Commercial District and C-7 Automobile Oriented Restaurant Commercial District shall hereafter be within and a part of that District known as R-3 Multi-Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Existing Conditions – The subject property, which includes a hotel and large underutilized parking area, is located along the highly travelled Lincoln Way corridor providing major east-west access through the City of Mishawaka and South Bend. Adjacent land uses include a St. Joseph River public access site to the west; a park and two fast-food restaurants, one currently under construction, to the south; and a restaurant with drive-thru, currently under construction, and multi-tenant strip center to the east.
2. Character of Buildings – The adjacent properties include several multi and single-tenant commercial buildings ranging in size from 2,300 sq. ft. to 37,700 sq. ft. The proposed conversion of the existing approximate 43,500 sq. ft. hotel into an apartment building and adjacent construction of a new similar sized apartment building will vary in character from the existing adjacent commercial structures.
3. The most desirable/highest and best use – Due to the property's location adjacent to various commercial uses and being along one of the most heavily travelled corridors in the City, the most desirable use of the property is continued commercial or medium density residential use (i.e. apartment complexes).
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the surrounding area. The R-3 Multi-Family Residential zoning will not permit future commercial use of the property as currently allowed in the existing C-1 General Commercial zoning. Investment in an existing dilapidated property and

Proposed Ordinance No: 22-18

Ordinance No: _____

construction of a new apartment building could potentially spur further investment in the area in addition to the two restaurants currently under construction.

5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. However, the proposed multi-family (medium density) residential use is consistent with and will not be out of character with the adjacent commercial use.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2022, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2022, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2022, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: 2754 Lincoln Way East - Existing Mishawaka Inn

Date: June 14, 2022

Petition: 22- 07

Prepared By: DJS

GENERAL INFORMATION

Applicant: Balaji Hospitality Group, LLC & Smita V. Patel / Abonmarche Consultants, Inc.

Status: Property Owners / Site Design Consultant

Request: To rezone from C-1 General Commercial District and C-7 Automobile Oriented Restaurant Commercial to R-3 Multi-Family Residential District to allow for a residential apartment complex

Zoning Classification: C-1 General Commercial District & C-7 Automobile Oriented Restaurant Commercial

Lot Size: Approximately 3.98 acres

Applicable Regulations: Section 137-215 thru 137-217 / R-3 Multi-Family Residential District & Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: St. Joseph River & Unincorporated St. Joseph County north of River – I Industrial (Power Generation Facility / I&M Hydroelectric Plant)

South: S-1 Extensive Open Space (Laing Park) & C-7 Auto Oriented Restaurant Commercial (Restaurants with Drive-Thru / McDonald's & Wendy's – Under Construction)

East: C-7 Auto Oriented Restaurant Commercial (Restaurant with Drive-Thru / Dunkin' Donuts – Under Construction) & C-2 Shopping Center Commercial (Multi-Tenant Commercial / Twin Branch Retail Center)

West: S-1 Extensive Open Space (Frank Zappia – St. Joseph River Public Access Site & Parking – IDNR Owned)

Thoroughfare: Lincoln Way East

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available and/or will be extended/connected to the site at the expense of the developer.

Comprehensive Plan: General Commercial (Downtown Retail Sales & Shopping Centers)

ANALYSIS

The Petitioners, Balaji Hospitality Group LLC & Smita V. Patel, are requesting to rezone an approximate 3.98 acre area located at 2754 Lincoln Way East from C-1 General Commercial and C-7 Auto Oriented Restaurant Commercial to the R-3 Multi-Family Residential District to allow for a residential apartment complex.

The property to be rezoned includes three unplatted parcels (Tax Parcel 016-1082-3252.02, -3252.04, & -3253) located on the north side of Lincoln Way East approximately 120' east of Capital Avenue (S.R. 933). The proposed rezoning area includes the Mishawaka Inn and adjacent parking lot to the east. Excluding the removal of the southern part of the parking lot and construction of an access/frontage drive completed in conjunction with the Capital Avenue realignment, the use of the property has remained relatively unchanged since the late 1960s when developed as a Holiday Inn.

Per the preliminary site plan, the contingent developer is proposing to convert the existing hotel into a multi-family apartment building and construct a new apartment building along the St. Joseph River. The unit mix is anticipated to include a maximum of 60 studio units in the current building and 46 one to two bedroom units in the new building. The studio units, which may decrease in number following interior inspection and review of existing walls, will be approximately 270 sq. ft. including the bathrooms. The one to two bedroom units will be approximately 540 sq. ft. to 810 sq. ft. including the bathrooms. Excluding preservation of the existing structure, all other site improvements will be razed.

Two access points are currently proposed off of a public frontage drive to the south. The drive connects Lincolnway East and the Frank Zappia St. Joseph River public access site to the west. The existing eastern access serves a large underutilized parking area for Mishawaka Inn and the Dunkin' Donuts property (Lot 1 of the Lincolnway Capital Corner Minor Subdivision / Plat 21-08) currently under construction. An ingress/egress easement dedicated on the plat permits access across the subject property to the southern Dunkin' Donuts access (2774 Lincolnway East / Tax Parcel 016-1082-3252.03). An additional ingress/egress easement will be required on a future subdivision plat to permit further access between the northern Dunkin' Donuts access and the public frontage drive. The proposed western access, which will be located at an existing curb cut, will provide access to a new parking area west of the existing building. The parking areas and access drives will loop around the current building as conceptually shown on the preliminary site plan.

The preliminary site plan shows the developer's intent to comply with the required height, area and developmental regulations of the R-3 Multi-Family Residential District except for the required number of parking spaces. A developmental variance (AP 22-19) was submitted concurrent with the rezoning petition to allow a reduction in the number of parking spaces from the required 1.5 spaces per unit (159 spaces for the 106 proposed units) to 1.2 spaces per unit (128 spaces). The Board of Zoning Appeals will consider the request prior the Plan Commission meeting. Planning Staff supports the proposed parking space reduction.

Per the FEMA Flood Insurance Rate Map (FIRM) Panel No. 18141C0217 (effective date of December 15, 2015), a portion of the property is located within Zone AE – Special Flood Hazard Areas subject to inundation by the 1% annual chance flood. Zone AE areas have determined base flood elevations. The Flood Insurance Study (FIS) for St. Joseph County, Indiana and incorporated areas – FIS Number 18141CV00B (revised date December 16, 2015) established a base flood elevation of 703.5' for the site. This elevation is shown in the FIS – Floodway Data for Eller Ditch cross section A (Table 10, Page 27). Any structures built below the flood protection grade, which is the base flood elevation plus 2', must be designed and constructed to be watertight and be capable of resisting the effects of the regulatory flood. The 2' generalized contours show an approximate elevation of 706' to 712' where the new building is proposed.

An Elevation Certificate, as required per the City's Flood Control regulations, must be prepared for the new building following completion of construction and submitted prior to obtaining a Certificate of Occupancy. The Elevation Certificate must show that the "as-built" elevation of the top of the lowest floor, as defined per FEMA, is at or above the flood protection grade.

Eller Ditch is located within the property along the west property line. Planning Staff believes that the ditch is a county regulated drain subject to all rules and regulations of the St. Joseph County Surveyor and Drainage Board. If determined to be a regulated drain, a 75' maintenance easement from the top of the bank will be required on the future subdivision plat.

With this petition, the contingent developer is only seeking to establish the proper zoning required for the proposed use. If approved, a detailed final site plan shall be submitted for Staff review and Plan Commission approval prior to construction. The final site plan shall address storm drainage, grading, utilities, soil erosion control, and all other required improvements pertinent to the proposed development.

Since the property is currently zoned for commercial use and located along the heavily travelled Lincoln Way East corridor, the Staff supports the request for rezoning. The proposed conversion of an existing hotel into an apartment building and adjacent construction of a new apartment building is essentially a down zoning that will not allow more intensive commercial use of the property as currently permitted in the C-1 District. A multi-family residential apartment complex is not out of character and is compatible with the existing adjacent commercial and recreational land uses.

The Building, Electric, and Water Departments have reviewed and approved the rezoning request providing no additional comments.

The Engineering Department provided the following comments to be addressed with the final site plan. No comments were given specifically related to the proposed rezoning and use of the property.

1. The property currently utilizes a lift station and force main that crosses Lincoln Way for the sanitary sewer. This is a private system and shall be evaluated for condition and if it is adequately sized. Also, unsure how the additional proposed building will be served. Recommend looking at an appropriately sized lift station / force main to service the entire development including the Dunkin' Donuts property.
2. Left turn lane on Lincoln Way may need to be further modified to allow more stacking from what is currently designed for site. Evaluate and coordinate with INDOT.
3. Sidewalks shall be constructed along Lincoln Way frontage. Extend what was constructed for the Dunkin' Donuts.

The Fire Department commented that hydrants will need to be added to adequately serve the property. Also, proper fire department access is required for the new residential apartment building. These items shall be addressed with final site plan.

RECOMMENDATION

Staff recommends in **favor** of rezoning Petition 22-07 to rezone an approximate 3.89 acres area located at 2754 Lincoln Way East from C-1 General Commercial and C-7 Automobile Oriented Restaurant Commercial to R-3 Multi-Family Residential District to allow for a multi-family residential apartment complex. This recommendation is based on the following findings of fact:

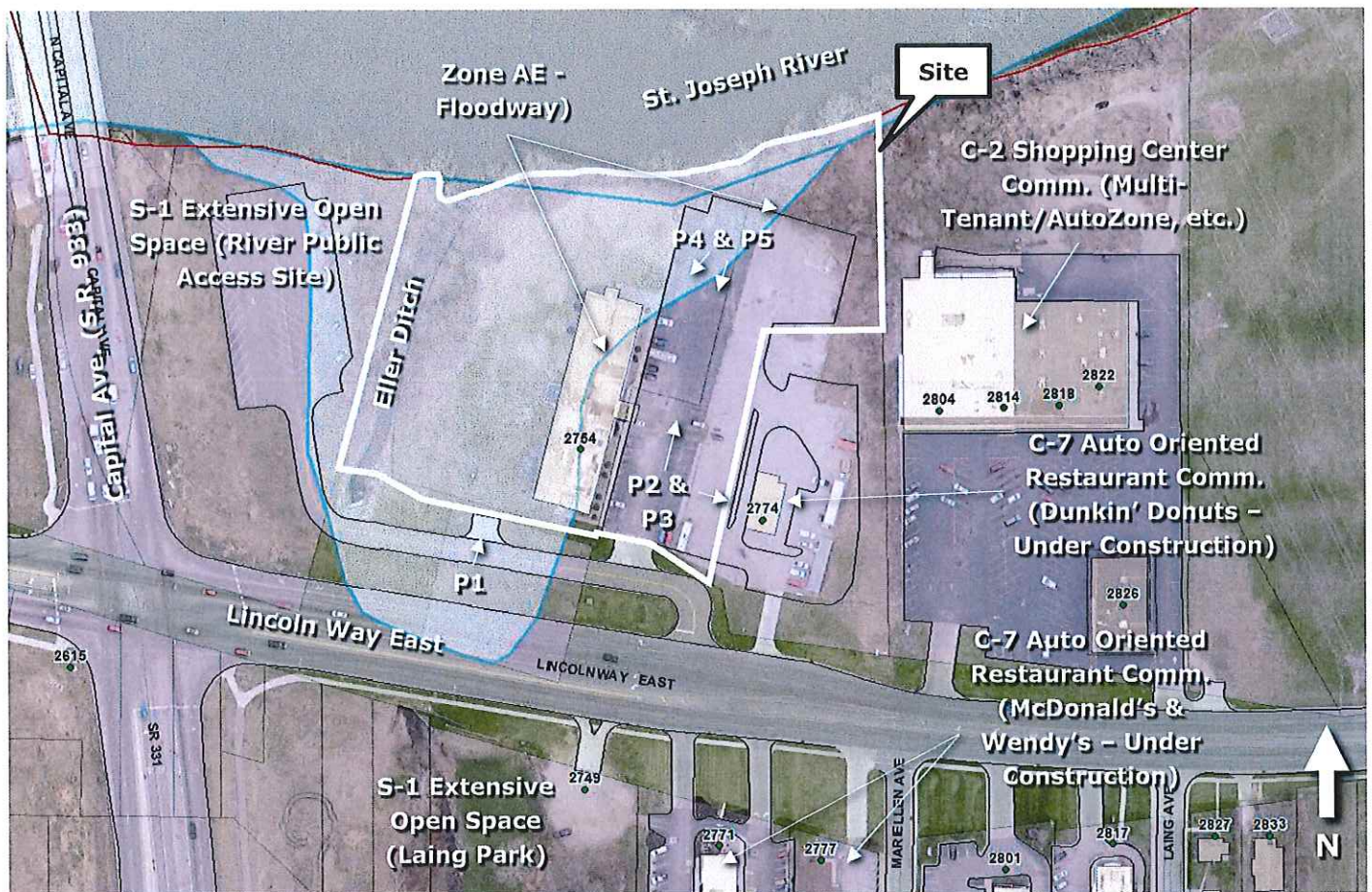
1. Existing Conditions – The subject property, which includes a hotel and large underutilized parking area, is located along the highly travelled Lincoln Way corridor providing major east-west access through the City of Mishawaka and South Bend. Adjacent land uses include a St. Joseph River public access site to the west; a park and two fast-food restaurants, one currently under construction, to the south; and a restaurant with drive-thru, currently under construction, and multi-tenant strip center to the east.
2. Character of Buildings – The adjacent properties include several multi and single-tenant commercial buildings ranging in size from 2,300 sq. ft. to 37,700 sq. ft. The proposed conversion of the existing approximate 43,500 sq. ft. hotel into an apartment building and adjacent construction of a new similar sized apartment building will vary in character from the existing adjacent commercial structures.
3. The most desirable/highest and best use – Due to the property's location adjacent to various commercial uses and being along one of the most heavily travelled corridors in the City, the most

desirable use of the property is continued commercial or medium density residential use (i.e. apartment complexes).

4. Conservation of property values – The proposed rezoning should not be injurious to property values in the surrounding area. The R-3 Multi-Family Residential zoning will not permit future commercial use of the property as currently allowed in the existing C-1 General Commercial zoning. Investment in an existing dilapidated property and construction of a new apartment building could potentially spur further investment in the area in addition to the two restaurants currently under construction.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. However, the proposed multi-family (medium density) residential use is consistent with and will not be out of character with the adjacent commercial use.

ATTACHMENTS

Aerial Photograph, Photographs, Petition, Preliminary Site Plan & Location Map



Aerial Photograph
Existing Mishawaka Inn
2754 Lincoln Way East



P1. Looking northerly from the access/frontage drive to the west of Mishawaka Inn and future parking area.



P2. Looking northerly from the existing parking area east of Mishawaka Inn and west of Dunkin' Donuts.



P3. Looking easterly from the parking area between Mishawaka Inn and Dunkin' Donuts under construction.



P4. Looking southwest toward the existing Mishawaka Inn from the general location of the proposed new building.



P5. Looking southerly from the existing parking area and general location of the proposed new apartment building toward Mishawaka Inn (west) and the Dunkin' Donuts (east).



DATE: May 25, 2022

TO: Honorable Members of the Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

FROM: Steve Ruby
Abonmarche Consultants
315 W. Jefferson Blvd.
South Bend, Indiana 46601
(574) 360-9804
sruby@abonmarhce.com

Deborah S. Block, IAMC, MMC

JUN 01 2022

**City Clerk
Mishawaka, IN**

RE: Petition for Re-Zoning Classification - 2754 Lincolnway E. Mishawaka, IN

The undersigned **Balaji Hospitality Group LLC & Smita V. Patel** respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

PROVIDED LEGAL DESCRIPTION: (Parcel: 71-09-13-102-012.000-023, 016-1082-3253, 016-1082-325202)

(See Attached Legal)

Petitioners own one hundred (100%) percent of the above-described parcel of land which is located in the State of Indiana. The petitioners desire to have the above said properties rezoned from the Current C-1 Commercial (General Commercial) to an R-3 Residential to be used as residential long term stay Apartment Development.

AND C-7

The Petitioner has Submitted a variance request to the BZA seeking to reduce the parking requirement of 1.5 parking spaces as currently stated in Sec. **137-217 (7) A1** to 1.2 Parking space per unit.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and the location of the proposed building structures.

Petitioners further show this proposed re-zoning to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be rezoned and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioners respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above-described parcel of real estate to the City of Mishawaka with a R-3 Residential District zoning classification.



Balaji Hospitality Group LLC (016-1082-325202)



Printed



Smita V. Patel (016-1082-3253 & 016-1082-3252.04)



Printed



EXHIBIT A

LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING A PORTION OF LAND CONVEYED TO SMITA V. PATEL, AS DESCRIBED IN INSTRUMENT NUMBER 1533882, ST. JOSEPH COUNTY RECORDER, AND ALL OF LAND CONVEYED TO BALAJI HOSPITALITY GROUP, LLC, AS DESCRIBED IN INSTRUMENT NUMBER 1013215, ST. JOSEPH COUNTY RECORDER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTER LINE OF LINCOLN HIGHWAY EAST IN THE CITY OF MISHAWKA AS FORMERLY LOCATED, PRIOR TO THE WIDENING OF SAID HIGHWAY BY RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF MISHAWAKA, PASSED APRIL 1, 1935, WHICH IS RECORDED IN MISCELLANEOUS RECORD 55 AT PAGE 327 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, WHICH POINT IS 412.5 FEET EASTERLY FROM THE INTERSECTION OF SAID CENTER LINE OF LINCOLN HIGHWAY WITH THE WEST LINE OF SAID SECTION 13, AND IS THE SOUTHWEST CORNER OF SAID PATEL LAND; THENCE EASTERLY, FOLLOWING SAID CENTERLINE OF LINCOLN HIGHWAY, AS FORMERLY LOCATED, A DISTANCE OF 313.2 FEET TO A POINT 725.7 FEET EASTERLY FROM THE INTERSECTION OF SAID CENTER LINE OF LINCOLN HIGHWAY WITH THE WEST LINE OF SAID SECTION 13, AND BEING THE SOUTHEAST CORNER OF A PARCEL OF LAND WHICH WAS CONVEYED BY GEORGE F. LAING TO HARRY A. SIPLE AND OLLO D. SIPLE, HUSBAND AND WIFE, BY A WARRANTY DEED DATED FEBRUARY 20, 1937, WHICH IS RECORDED IN DEED RECORD 290 AT PAGES 446-447 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY; THENCE CONTINUING EASTERLY, FOLLOWING SAID CENTER LINE OF LINCOLN HIGHWAY, AS FORMERLY LOCATED, A DISTANCE OF 111.18 FEET; THENCE NORTH 12° 51' 58" EAST A DISTANCE OF 193.83 FEET TO A 5/8" REBAR WITH CAP ("ABONMARCHE FIRM 0050") MARKING THE SOUTHWEST CORNER OF LINCOLNWAY CAPITAL CORNER MINOR SUBDIVISION, RECORDED AS INSTRUMENT NUMBER 2022-01612, ST. JOSEPH COUNTY RECORDER; THENCE CONTINUING NORTH 12° 51' 58" EAST, ALONG THE WESTERLY LINE OF SAID SUBDIVISION, A DISTANCE OF 271.49 FEET TO A MAG NAIL MARKING THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE NORTH 89° 44' 21" EAST, ALONG THE NORTH LINE OF SAID SUBDIVISION, A DISTANCE OF 127.85 FEET TO A 5/8" REBAR WITH CAP ("ABONMARCHE FIRM 0050") MARKING THE NORTHEAST CORNER OF SAID SUBDIVISION; THENCE NORTH 00° 15' 39" WEST, ALONG THE EAST LINE OF SAID PATEL LAND, 189.6 FEET, MORE OR LESS, TO THE SOUTHERLY EDGE OF WATER OF THE ST. JOSEPH RIVER; THENCE WESTERLY AND SOUTHWESTERLY, FOLLOWING THE MEANDERING OF SAID EDGE OF WATER, TO THE NORTHWESTERLY CORNER OF SAID PATEL LAND, SAID CORNER BEING NORTH 16° 4' EAST (DEED BEARING PER PATEL LAND) OF THE POINT OF BEGINNING; THENCE SOUTH 16° 4' WEST, ALONG THE WEST LINE OF SAID PATEL LAND, A DISTANCE OF 517 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD. SUBJECT TO ADDITIONAL RIGHT OF WAY FOR LINCOLN HIGHWAY (LINCOLNWAY / STATE ROUTE 933) AS SHOWN ON INDOT PLANS PROJECT NO. STP -517110151, CONTRACT "IR 31091", DATED NOVEMBER 24, 2009. PARCEL SUBJECT TO SURVEY.

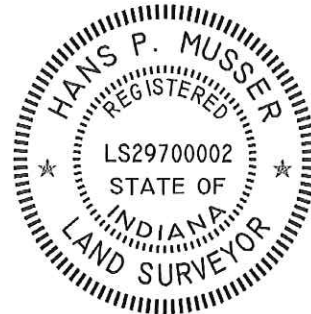
THIS DOCUMENT WAS PREPARED BY HANS P. MUSSER, INDIANA REGISTERED LAND SURVEYOR, LICENSE NUMBER 29700002.



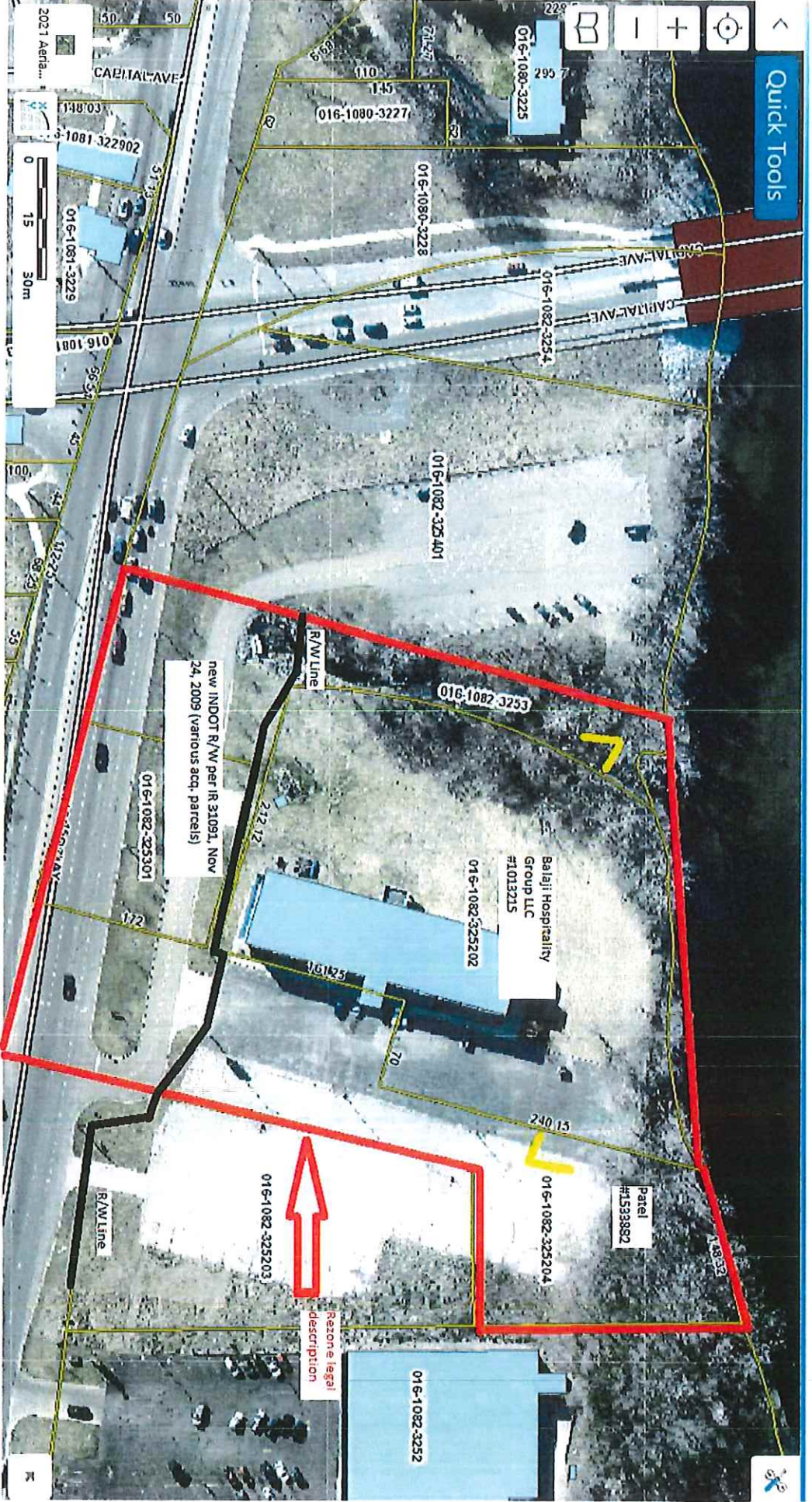
HANS P. MUSSER, PS

5/25/2022

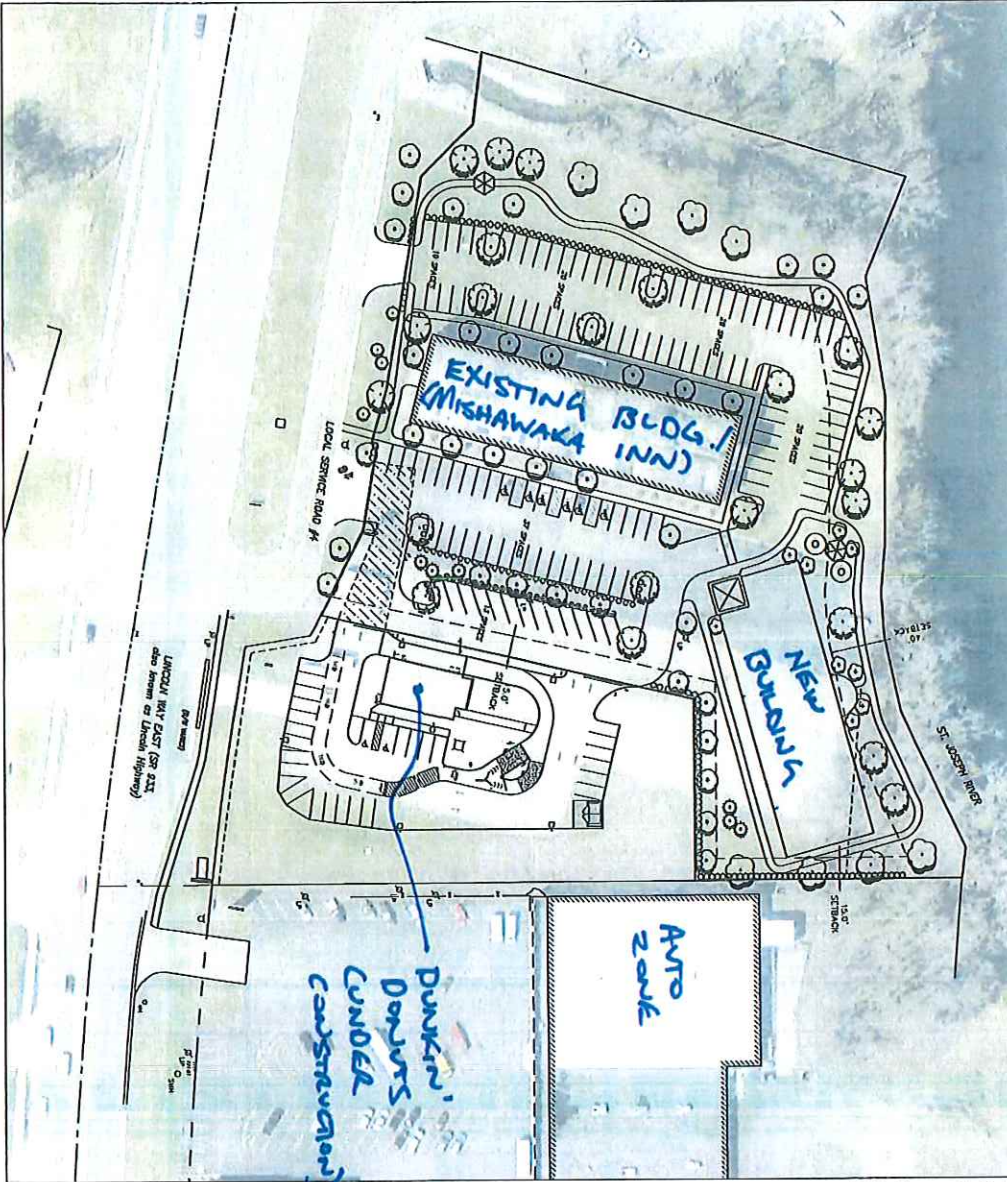
DATE



Quick Tools



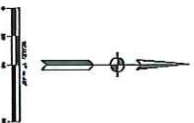
PRELIMINARY SITE PLAN



Current Zoning: C-1 General Commercial
 Current Zoning: C-7 General Commercial
 Proposed R-3 Residential Zoning
 Proposed Apartment UNITS: 100-105
 Parking Required: 159
 Parking Provided: 128

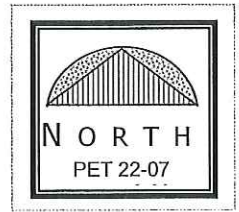
ABONMARCHE
 10000 N. LINCOLNWAY
 SUITE 100
 MISHAWAKA, IN 46545
 219.251.1111
 219.251.1112
 219.251.1113
 219.251.1114
 219.251.1115
 219.251.1116
 219.251.1117
 219.251.1118
 219.251.1119
 219.251.1120
 219.251.1121
 219.251.1122
 219.251.1123
 219.251.1124
 219.251.1125
 219.251.1126
 219.251.1127
 219.251.1128
 219.251.1129
 219.251.1130
 219.251.1131
 219.251.1132
 219.251.1133
 219.251.1134
 219.251.1135
 219.251.1136
 219.251.1137
 219.251.1138
 219.251.1139
 219.251.1140
 219.251.1141
 219.251.1142
 219.251.1143
 219.251.1144
 219.251.1145
 219.251.1146
 219.251.1147
 219.251.1148
 219.251.1149
 219.251.1150
 219.251.1151
 219.251.1152
 219.251.1153
 219.251.1154
 219.251.1155
 219.251.1156
 219.251.1157
 219.251.1158
 219.251.1159
 219.251.1160
 219.251.1161
 219.251.1162
 219.251.1163
 219.251.1164
 219.251.1165
 219.251.1166
 219.251.1167
 219.251.1168
 219.251.1169
 219.251.1170
 219.251.1171
 219.251.1172
 219.251.1173
 219.251.1174
 219.251.1175
 219.251.1176
 219.251.1177
 219.251.1178
 219.251.1179
 219.251.1180
 219.251.1181
 219.251.1182
 219.251.1183
 219.251.1184
 219.251.1185
 219.251.1186
 219.251.1187
 219.251.1188
 219.251.1189
 219.251.1190
 219.251.1191
 219.251.1192
 219.251.1193
 219.251.1194
 219.251.1195
 219.251.1196
 219.251.1197
 219.251.1198
 219.251.1199
 219.251.1200

LINCOLNWAY HOTEL SITE,
 MISHAWAKA, IN



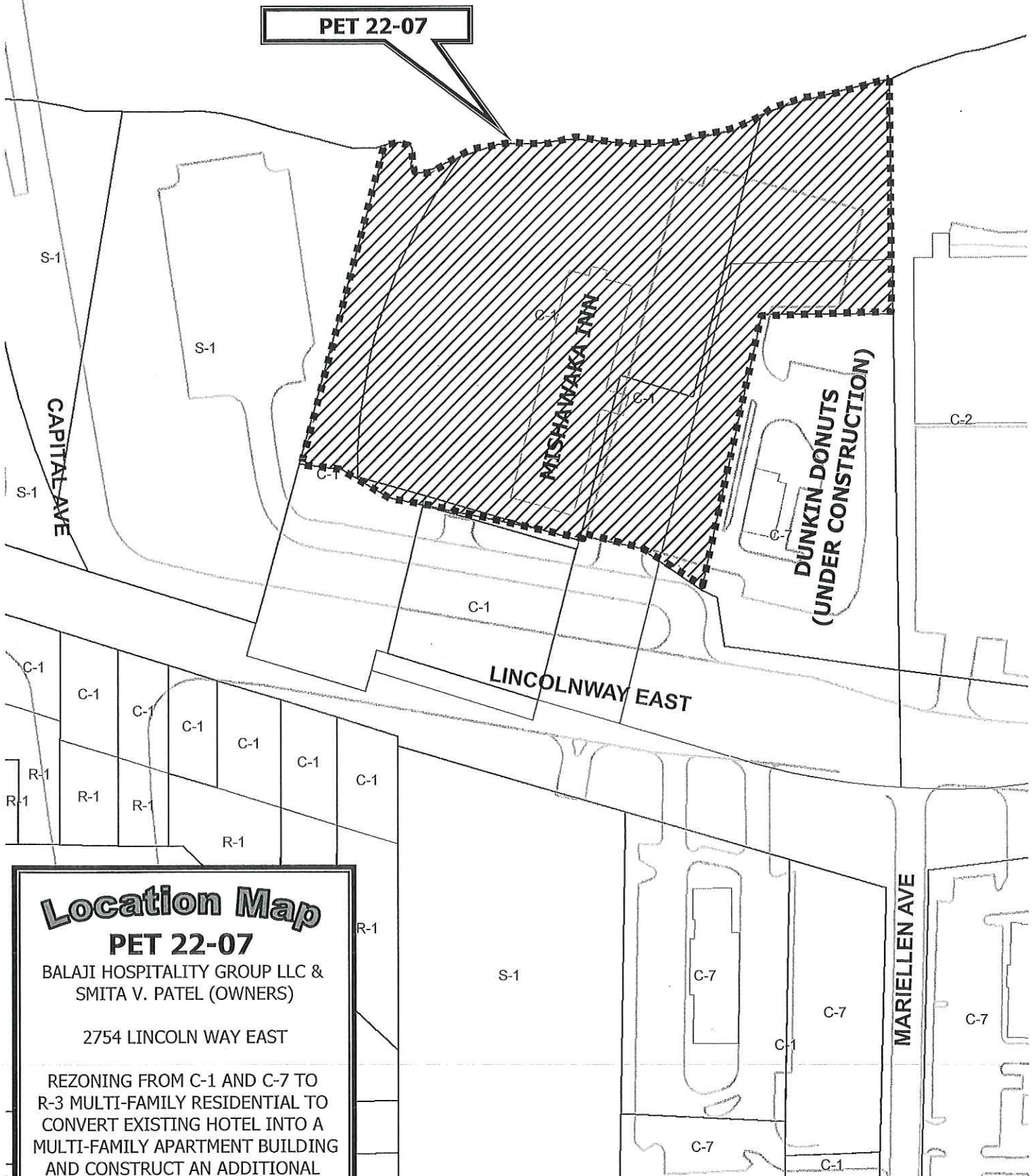
preliminary
 not for
 construction

22-0682



ST. JOSEPH RIVER

PET 22-07



Location Map

PET 22-07

BALAJI HOSPITALITY GROUP LLC &
SMITA V. PATEL (OWNERS)

2754 LINCOLN WAY EAST

REZONING FROM C-1 AND C-7 TO
R-3 MULTI-FAMILY RESIDENTIAL TO
CONVERT EXISTING HOTEL INTO A
MULTI-FAMILY APARTMENT BUILDING
AND CONSTRUCT AN ADDITIONAL